



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

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**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

2 February 2016

Trial Day 367

Before the Judges: NIL Nonn, Presiding  
Claudia FENZ  
Jean-Marc LAVERGNE  
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YOU Ottara  
Martin KAROPKIN (Reserve)  
THOU Mony (Reserve)

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Extraordinary Chambers in the Courts of Cambodia  
Trial Chamber – Trial Day 367  
Case No. 002/19-09-2007-ECCC/TC  
2 February 2016

I N D E X

Mr. SAO Van (2-TCW-989)

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Questioning by Mr. DE WILDE D’ESTMAEL ..... page 78

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. MEAS Voeun (2-TCW-1008)	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SAO Van (2-TCW-989)	Khmer

1 P R O C E E D I N G S

2 (Court opens at 0906H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 Today, the Chamber continues to hear testimony of Sao Van and

6 begins hearing testimony of another witness, that is, 2-TCW-1008.

7 Mr. Em Hoy, please report the attendance of the parties and other

8 individuals to today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to this case

11 are present.

12 Mr. Nuon Chea is present in the holding cell downstairs. He has

13 waived his rights to be present in the courtroom. The waiver has

14 been delivered to the greffier.

15 The witness who is to conclude his testimony today, that is, Mr.

16 Sao Van, is present in the courtroom. We also have a reserve

17 witness today, 2-TCW-1008, who confirms that, to the best of his

18 knowledge, he has no relationship, by blood or by law, to any of

19 the two Accused, that is, Nuon Chea and Khieu Samphan, or to any

20 of the civil parties admitted in this case.

21 The witness will take an oath before the Chamber. The witness has

22 Madam Sok Socheata as duty counsel.

23 [09.08.30]

24 MR. PRESIDENT:

25 Thank you, Mr. Em Hoy.

2

1 The Chamber now decides on the request by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea dated 2nd  
3 February 2016, which states that, due to his health, headache,  
4 back pain, he cannot sit or concentrate for long and in order to  
5 effectively participate in future hearings, he requests to waive  
6 his right to participate in and be present at the 2nd February  
7 2016 hearing.

8 Having seen the medical report of Nuon Chea by the duty doctor  
9 for the Accused at ECCC dated 2nd February 2016, which notes that  
10 Nuon Chea has severe back pain and he feels dizzy when he sits  
11 for long and recommends that the Chamber grant him his request so  
12 that he can follow the proceedings remotely from the holding cell  
13 downstairs.

14 Based on the above information and pursuant to Rule 81.5 of the  
15 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
16 follow today's proceedings remotely from the holding cell  
17 downstairs via audio-visual means.

18 The Chamber instructs the AV Unit personnel to link the  
19 proceedings to the room downstairs so that Nuon Chea can follow.

20 This applies to the whole day.

21 The Chamber now hands the floor to the defence teams, first to  
22 the defence team for Nuon Chea.

23 You may proceed, Counsel.

24 [09.10.10]

25 QUESTIONING BY MR. KOPPE:

3

1 Thank you, Mr. President. Good morning, Your Honours. Good  
2 morning, counsel. Good morning, Mr. Witness. My name is Victor  
3 Koppe. I'm the International Counsel for Nuon Chea. Maybe you'll  
4 remember me from asking you questions in July of last year before  
5 the Supreme Court Chamber.  
6 I'm going to be asking you some follow-up questions regarding  
7 your testimony yesterday.  
8 Yesterday and at the hearing at the Supreme Court Chamber, Mr.  
9 Witness, you extensively spoke about two meetings. One was the  
10 urgent meeting, as you called it, at Phnum Trael mountain, and a  
11 meeting in Takeo provincial town.  
12 [09.11.18]  
13 I'm going to be asking you some more questions on the urgent  
14 meeting at Phnum Trael a bit later, but let me now first go to  
15 the meeting at Takeo provincial town. And I will do so by going  
16 back to your testimony before the Supreme Court Chamber on the  
17 2nd of July 2015.  
18 Now, Mr. Witness, at around 10.35 in the morning, I asked you  
19 whether you recalled a meeting at Takeo provincial town. And I  
20 read to you an answer that you had given earlier, and then you  
21 stated as -- at 10.43 as follows, and that I will quote to you:  
22 "Yes, I could recall it. It took place -- the meeting took place  
23 in Takeo province."  
24 And then I asked you the following question:  
25 "Do you now recall that you attended two different meetings, one

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1 at Phnum Trael mountain and one at Takeo provincial town, during  
2 which the issue of the fate of the Lon Nol military was  
3 discussed? Is it correct that in two meetings you were instructed  
4 or people were instructed not to harm military soldiers up to the  
5 rank of Colonel? Is that correct?"

6 [09.13.08]

7 And then, Mr. Witness, you answered as follows:

8 "That is correct. Your two points summarized are correct."

9 A little further, you start talking about that meeting in Takeo  
10 provincial town, saying it was held to the west of Phsar Chas,  
11 the old market, and then you say the following, and that is  
12 actually what I want to ask you some questions about.

13 At 11.09, you say the following when you discuss the meeting at  
14 Takeo provincial town, and I quote you again:

15 [09.13.52]

16 "I can recall that I was jubilant upon hearing that foot soldiers  
17 up to the rank of Colonel should not be harmed. And you asked me  
18 what can I -- what I can remember during the meeting, and I can  
19 tell you that throughout the war time, even before the entire  
20 country had been liberated, Khieu Samphan made a radio broadcast  
21 that foot soldiers, ranked soldiers and officials, bourgeoisie,  
22 students and compatriots as well as the participants in the  
23 liberation front, they would be pardoned and the Front would  
24 adjudicate and prosecute only seven people, namely, Lon Nol,  
25 Sirik Matak, In Tam, Sosthene Fernandez, Long Boret, Cheng Heng

5

1 and Son Ngoc Thanh. This is what I can recall." End of quote.

2 My question to you now this morning, Mr. Witness, is the  
3 following. Can you explain why you remembered the speech of Khieu  
4 Samphan when you were talking about the meeting in Takeo  
5 provincial town?

6 [09.15.30]

7 MR. SAO VAN:

8 A. Allow me to respond to your question. You asked me how I can  
9 recall about that. Actually, Khieu Samphan made an announcement  
10 before the entire country was liberated. He said for the ordinary  
11 soldiers, the ranked soldiers and the civil servants as long as  
12 they surrendered the arms and joined the Front, then they would  
13 be pardoned.

14 The National Liberation Front would adjudicate and decide to  
15 execute only Lon Nol, Sirik Matak, In Tam, Sosthene, Long Boret  
16 and Cheng Heng. And that is the truth, and this is what I still  
17 remember.

18 Q. I understand, but if it's possible for you -- I realize it's a  
19 very long time ago, but I would like you to go back in your  
20 memory to that meeting in Takeo provincial town and tell me if  
21 you remember thinking at that particular meeting about Khieu  
22 Samphan's speech.

23 [09.17.40]

24 A. At that time, the war did not end yet, as the entire victory  
25 was not yet achieved. I remember I listened to the radio and, of



6

1 course, it was not a general announcement on the radio. I had to  
2 listen to it carefully -- secretly, rather. And I heard about the  
3 circulars issued during war time to the cadres, that all cadres  
4 had to be vigilant with the former civil servants.

5 Former civil servants, in this case, referred to the former  
6 village chiefs or village -- deputy chiefs or commune chiefs,  
7 teachers and soldiers. They had to be vigilant in case that they  
8 would react or oppose the revolutionary movement.

9 And before the entire country was liberated, Khieu Samphan spoke  
10 about the ordinary soldiers, the ranked soldiers and the civil  
11 servants, as long as they surrendered, they would be pardoned.

12 Q. I understand your answer, but maybe let me try something  
13 different, Mr. Witness.

14 In that same answer to the Supreme Court Chamber, you also said  
15 that, when I was asking you questions about the meeting in Takeo  
16 provincial town, that you were jubilant. This feeling of being  
17 jubilant, did that have something to do with the brother and the  
18 position of your brother that you discussed yesterday?

19 [09.20.20]

20 A. Regarding the meeting that I attended in Takeo provincial town  
21 near Phsar Chas, at the time I felt jubilant because the war  
22 ended, so that feeling of jubilation at the time was not only  
23 meant for my elder brother, but it was meant for every Cambodian.  
24 That is also for the former civil servants, and I'd like to make  
25 a slight amendment to what I testified yesterday regarding my

1 elder brother.

2 In fact, when my elder brother arrived in our native village, the  
3 circular during wartime was still in effect, that is, all cadres  
4 had to be mindful of the former civil servants, teachers and  
5 soldiers. So my brother, as a result, was detained and sent for  
6 re-education.

7 And later on, I recall what Khieu Samphan said, that the  
8 re-education had to be ended for those people. And this is how I  
9 remember it.

10 [09.21.52]

11 Q. Thank you, Mr. Witness. My final question -- not my final  
12 question, but the question in relation to time, is it likely that  
13 the meeting in Takeo provincial town took place shortly after  
14 liberation in 1975, and not in 1976, a year later?

15 A. Allow me to reiterate it. The meeting held at Takeo provincial  
16 town was in 1976, and when the meeting was held, I was actually  
17 in Sector 25, but I made a trip to attend that meeting, which was  
18 held in the Southwest Zone. And in fact, Ta Mok instructed each  
19 province to send cadres to attend that meeting.

20 Q. Thank you, Mr. Witness. The reason I was putting that question  
21 to you about the date is also because another person, another  
22 cadre that you knew, talked about a meeting in Takeo provincial  
23 town during which it was discussed that Lon Nol soldiers up to  
24 Colonel should not be harmed. This witness is Ta Chim, Pech Chim,  
25 and he talks about that meeting, but he give some different

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1 details as to the location.

2 And so I'm trying to find out whether he, in fact, spoke about  
3 the same meeting or whether he spoke about another meeting in  
4 Takeo provincial town.

5 Mr. President, I'm referring to Pech Chim's testimony on the 24th  
6 of April 2015, at around 9.43 in the morning.

7 [09.24.36]

8 Mr. Witness, I'm asking questions to Pech Chim, and he said he  
9 agreed that he attended the meeting, but he says, "I only  
10 attended the meeting after 1975 behind the Party office where Ta  
11 Mok also attended."

12 And then he says, "In Takeo, it was after the liberation. In  
13 Takeo province, the meeting was held after '75." I presume after  
14 17 April '75. And then he says, "It was held in one of the houses  
15 along the river edge, north part of the provincial town."

16 Mr. Witness, I, myself, am not familiar with Takeo provincial  
17 town. I believe you are.

18 You're talking about the west of Phsar Chas, and he refers to a  
19 meeting held in one of the houses along the river edge behind the  
20 Party Office.

21 Now, my question to you is, is he referring to another meeting in  
22 Takeo provincial town?

23 [09.26.20]

24 A. I went to attend that meeting at Phsar Chas in the Takeo  
25 provincial town. I did not know at the time whether Pech Chim

9

1 attended that meeting. However, from the excerpt in the question,  
2 that is, in reference to the house by Pech Chim, there was such a  
3 house to the west of the Phsar Chas in the provincial town of  
4 Takeo. And Ta Mok resided in that house. That's all I know about  
5 this.

6 And maybe Pech Chim was invited to attend that meeting because he  
7 worked at the district. That is my personal conclusion.

8 Q. So just to make sure I understand your testimony well, are you  
9 saying that he possibly refers to another meeting than the  
10 meeting that you refer to that took place in Takeo provincial  
11 town?

12 MR. PRESIDENT:

13 Witness, please hold on.

14 And the Deputy Co-Prosecutor, you have the floor.

15 MR. LYSAK:

16 Thank you, Mr. President. I think Counsel is now trying to lead  
17 and ask the witness to speculate. It certainly was appropriate to  
18 ask him whether the location described -- the house described by  
19 Chim was the place that he went to. He said it was. Now he's  
20 asking the witness to do something he can't do, which is  
21 speculate about whether Pech Chim went to additional meetings  
22 that he didn't go to.

23 [09.28.17]

24 BY MR. KOPPE:

25 I think I'm -- I was entitled to ask that question, Mr.

10

1 President, because the witness described a meeting to the west of  
2 Phsar Chas, the old market. Chim is referring, it seems, to  
3 another place. I'm not entirely sure. But I'm happy to ask that  
4 question again just so that everyone is sure.

5 Q. Mr. Witness, the meeting that Pech Chim referred to, based on  
6 your experience and your knowledge of Takeo provincial town, was  
7 that another meeting than that you discussed this morning and  
8 yesterday?

9 MR. SAO VAN:

10 A. That meeting was a separate one.

11 [09.29.24]

12 Q. Thank you, Mr. Witness. Now let me return to the other  
13 meeting, the meeting at Phnum Trael mountain, the "urgent"  
14 meeting.

15 Now, yesterday and also in your testimony, you indicated that, in  
16 your memory, the meeting -- that meeting took place one month,  
17 maybe two months, after liberation. I'm trying now to see if I  
18 can get a more exact date from you.

19 More particularly, Mr. Witness, I would like to ask you the  
20 following. When you were at this meeting in Phnum Trael, do you  
21 recall anyone at that meeting, or maybe even before that meeting,  
22 refer to a much bigger meeting in Phnom Penh on 20, 21, 22 May,  
23 where hundreds of cadres were invited to celebrate the 17 April  
24 victory?

25 A. I did not know about the meeting held in Phnom Penh.

11

1 [09.31.13]

2 Q. That's -- that's not a problem, Mr. Witness. Let me now refer  
3 to something that presumably you have no knowledge about, but  
4 maybe you know similar examples.

5 Mr. President, I would like to go to Ben Kiernan's book, E3/1593,  
6 English ERN, 01150043 and it's page 92 in the book, French;  
7 00638827, and Khmer, 00637496.

8 Kiernan, this scholar, refers to an article in the Bangkok Post,  
9 and it is about a former Lon Nol official and his family. And in  
10 his book, Kiernan writes the following, "Indeed" -- no, let me  
11 start with -- a little bit further:

12 "Independent sources reported that central authorities had  
13 ordered an end to killings. According to an account in the  
14 Bangkok Post on 25 June 1975, 'A former diplomat who escaped with  
15 11 members of his family reported that, on May 31, a Khmer Rouge  
16 official stopped him about 30 miles from the Thai border and told  
17 him, "You are lucky. Three days ago, we received instructions not  
18 to kill any more people of the old government".'

19 Mr. Witness, three days before May 31 would be May 28,  
20 considering the fact that there was a meeting in Phnom Penh  
21 between 20 and 22 May and that the instruction was, as I said,  
22 received on the 28th of May, is it possible that the meeting, the  
23 urgent meeting in Phnum Trael mountain, was somewhere between 22  
24 May and 28 May?

25 [09.34.14]

12

1 A. I want to make a clarification of the meeting I attended at  
2 Phnum Trael. As I told the Court, I cannot recall exactly the  
3 date and month of that year. What I can recall is that the  
4 meeting was held after the liberation of 17 April 1975. It was  
5 not long after the liberation. Perhaps it may have been one or  
6 two months after the liberation that the meeting was held.

7 Q. Thank you, Mr. Witness. Now, let me move on to the speech of  
8 Khieu Samphan that you referred to during the Supreme Court  
9 Chamber hearing and also this morning.

10 Mr. Witness, in your testimony before the Supreme Court Chamber,  
11 around 15.28, you said, and I quote:

12 "From what I heard, Khieu Samphan's broadcast was played before  
13 the liberation and soldiers were urged on by Ta Mok to attack and  
14 take control of Phnom Penh."

15 Do you recall saying that in respect of the time of Khieu  
16 Samphan's speech?

17 [09.36.00]

18 A. Before the country was liberated, Ta Mok stated that soldiers  
19 needed to attack to liberate the country. Ta Mok invited all  
20 soldiers in Sector 13 to a meeting, and those soldiers were from  
21 Saray. And later on, if we talked about the reporting system, we  
22 had the radio as a communication system. And at that time, I  
23 listened to the messages of Khieu Samphan about the liberation of  
24 the country. And only a group of elite were to be blamed, Lon  
25 Nol, Sirik Matak, Cheng Heng -- seven of them -- were to be on

13

1 the list of execution, from my recollection.

2 Q. Thank you, Mr. Witness. I'm sure you will not be able to  
3 remember the exact date of that speech, but is it possible that  
4 the speech that you refer to was held on the 26th of February  
5 1975 --

6 Mr. President, E3/117 -- 26th of February '75, about a little  
7 less than two months before the liberation?

8 [09.38.38]

9 A. Could you please repeat your question? I do not get it. I do  
10 not really understand your question.

11 Q. Certainly, Mr. Witness. The Khieu Samphan speech that you  
12 refer to, do you remember whether that was -- that speech was  
13 given on or around the 26th of February 1975?

14 A. What I can recall is that the speech was made before the  
15 country was liberated in the capacity of the commander-in-chief  
16 of the liberated soldiers.

17 Q. Thank you, Mr. Witness. Yesterday, and also earlier, you  
18 testified that you were a member of the Cheang Tong National  
19 United Front. Did you, in that capacity, listen with particular  
20 interest to radio broadcasts or statements on behalf of the  
21 National United Front of Kampuchea?

22 A. I was the person who was responsible for Cheang Tong commune  
23 when I listened to the radio broadcast.

24 [09.40.57]

25 Q. Mr. President, with your leave, I would like to read an



14

1 excerpt of a statement on behalf of the National United Front of  
2 Kampuchea and the Royal Government of the United Front of  
3 Kampuchea. It's a bit longer than usual. That's why I gave the  
4 interpreters the English version of that text, so that they have  
5 it in front of them, because there's no French or Khmer  
6 translation.

7 The document that I'll be reading from is E3/118, and it is a  
8 statement, as I said, on behalf of FUNK and GRUNK.

9 Just for your background, I'm also reading this statement because  
10 of the document that was shown yesterday by the Prosecution, the  
11 S-21 document, E3/1539.

12 So I'll be reading now that excerpt, and I hope the translators  
13 will be able to follow.

14 Mr. Witness, this statement is dated 26th of March, 1975, and it  
15 reads as follows:

16 "On the bloody stage of Cambodia, U.S.--"

17 [09.42.38]

18 MR. PRESIDENT:

19 Please hold on.

20 You have the floor now, International Deputy Co-Prosecutor.

21 MR. LYSAK:

22 Yes. Thank you. Counsel. Can we just have the ERN page for this?

23 BY MR. KOPPE:

24 Of course, I apologize. That is 00166896. I'll start again:

25 "On the bloody stage of Cambodia, U.S. imperialism has again

15

1 presented a new farce in which its puppet, Long Boret, in his  
2 capacity as the Prime Minister of the new government of the Khmer  
3 Republic, launched another appeal to the Cambodians of the other  
4 side requesting a cease fire. negotiations and national  
5 reconciliation. This rotten super-traitor, Long Boret, has  
6 shamelessly affirmed that the Khmer Rouge patriots have every  
7 reason to come to an understanding with the Lon Nolites who,  
8 according to him, are true democrats and patriots, breaking all  
9 records of loyalty to the people, the country and national  
10 independents, and even all records for honesty.

11 "On behalf of the National United Front of Kampuchea, the Royal  
12 Government of the United Front of Kampuchea, and the Cambodian  
13 People's National Liberation Armed Forces, I bring the following  
14 to the attention of the entire world.

15 "First: The high officials and cadres of the sham Khmer Republic  
16 are as different from the Khmer Rouge patriots as black and  
17 white. For over the past five years, these sham republicans have  
18 already broken all world records for national reason, moral  
19 objection, social rottenness and corruption. The Cambodian people  
20 will certainly eliminate them from our society and, thus, do them  
21 justice.

22 [09.45.24]

23 "Second: Long Boret himself was condemned to death by the  
24 Cambodian people at the end of the National Congress on 25th  
25 February 1975. U.S. imperialism is grossly mistaken if it

16

1 believes that a Long Boret can bend the will of resistance of the  
2 Khmer Rouge patriots and bring them to rally" -- Long Boret,  
3 thank you -- "and bring them to rally to his foul republic any  
4 better than Lon Nol.

5 Though not sentenced to death by the National Congress of the  
6 Cambodian people, the other super-traitors, such as Kang Thun Hak  
7 (sic), Pan Sothi, Sat Sutsakhan, Saukam Khoy, Lon Non, Khy Taing  
8 Lim, Hou Hong, Kong Orn, Ly Khvan Pan, Loeng Nal, Iv Yang, Chea  
9 Seang Lean, Long Botta, Van Sar, Nguon Chean, Saing Sarath, Ung  
10 Sikhun are no less true war criminals who, following the  
11 liberation of Phnom Penh, will have to answer before state  
12 justice for their innumerable evil deeds and terrible crimes,  
13 whose victims over the past five years have been the fatherland,  
14 the people, the nation and the Cambodian state.

15 [09.47.39]

16 "By offering such fascist arch rotten traitors, the worst  
17 cowardly war criminals as the interlocutors to the National  
18 Front, the royal government of the United Front, U.S. imperialism  
19 has unpardonably insulted the memory of male and female Cambodian  
20 patriots who sacrificed their lives for the loftiest and purest  
21 ideas of the Cambodian people.

22 "I invite the United States to end this odious, ridiculous and  
23 childish game without delay.

24 "Third:" -- this is the last part, Mr. Witness -- "The National  
25 Front of Kampuchea, United Front of Kampuchea, the royal

17

1 government of the United Front of Kampuchea and Norodom Sihanouk  
2 swear to fight to the death against U.S. imperialism. We swear  
3 never to accept any negotiation or compromise with U.S.  
4 imperialism and its lackey as long as we live." End of quote.  
5 It's a long -- very long quote, Mr. Witness. I apologize for  
6 that. But do you recall hearing this statement on the radio on  
7 behalf of the United Front -- National United Front of Kampuchea?  
8 [09.49.18]

9 MR. SAO VAN:

10 A. Regarding what you have just read, it is beyond my  
11 understanding and knowledge. I do not know about this matter. I  
12 listened to the radio broadcast for a brief moment, not a -- not  
13 on a daily basis. And after hearing the speech, I was delighted  
14 to hear that only a group of people were to be on the list, not  
15 all of the people in the country.

16 Q. The person who gave this speech or, rather, who made this  
17 statement was late King Father Norodom Sihanouk addressing the  
18 people. And late King Father Sihanouk, in his statement, spoke  
19 about war criminals, Lon Nol officials and soldiers being war  
20 criminals.

21 Have you ever heard anything like that before?

22 A. I never heard of such statement.

23 Q. Have you ever listened to any of late King Father Norodom  
24 Sihanouk's speeches in relation to former Lon Nol officials or  
25 military?

18

1 A. I heard the statement of the late King Father after the coup  
2 d'état by Lon Nol. The statement was to encourage all people to  
3 go into the markets so that we could liberate the country, and  
4 the -- and liberate the country from Lon Nol, Sirik Matak, In  
5 Tam, etc.

6 Q. I realize this is a very difficult question, Mr. Witness, but  
7 I tried to do my best just now to read the names of 21 other  
8 super-traitors as clearly as possible, but did you -- do you  
9 remember any of those names or do you recognize any of those  
10 names that I just mentioned from the speech of late King Father  
11 Norodom Sihanouk?

12 [09.52.41]

13 A. I have never heard of those names.

14 Q. Thank you, Mr. Witness. That's not a problem.

15 Let me move now to a -- to another topic, and that is something  
16 else that happened or might have happened in Takeo provincial  
17 town, possibly in 1973 or earlier.

18 Have you ever heard of Vietnamese people being treated badly by  
19 the Lon Nol government in Takeo provincial town?

20 A. I do not know about this issue after the coup d'état. After  
21 the coup d'état, I was simply an ordinary villager in Trapeang  
22 Tuek village, Cheang Tong commune.

23 [09.54.01]

24 Q. There is a witness who testified before this Chamber and who  
25 was referred to yesterday as well, and he talked about many

19

1 "Yuons" being killed before 1975 in the Dai Pram (phonetic)  
2 school in the provincial town of Takeo. Have you ever heard of  
3 mass killings by Lon Nol officials of "Yuong" in the Dai Pram  
4 (phonetic) school?

5 A. I do not know, and I was not aware of this particular issue.

6 Q. That's not a problem, Mr. Witness. Do you recall or do you  
7 know whether there was any fighting going on between military  
8 forces of the Southwest Zone on the one hand and Vietcong troops  
9 on the other hand some time in 1973?

10 A. Regarding the fighting between troops, I do not have the  
11 knowledge of it, but I heard of the political message in 1973, of  
12 Ta Mok. Ta Mok encouraged the cadres within the commune and  
13 villages not to sell rice to Vietnamese troop who came to buy it.  
14 He, I mean Ta Mok, said that there was a unification in Vietnam  
15 so they needed economics to support their country. And Ta Mok  
16 encourage all of us to keep economics to support our country as  
17 well.

18 [09.56.45]

19 Q. I understand, but I believe you might be referring to after  
20 1975, because South and North Vietnam were reunified on the 30th  
21 of April '75, or probably later. But I'm referring to clashes  
22 between the Southwest Zone forces and the Vietcong in 1973 and  
23 that, subsequently, all the Vietcong forces were forced to leave  
24 Kampuchean territory. Do you know anything about that?

25 A. I understand about the statement you made. There was no -- I

20

1 do not know about the fighting after 1973, and what I know is  
2 that Ta Mok gave an order to the provinces, district, commune and  
3 villages not to sell rice to Vietnamese troops. So this is the --  
4 the knowledge that I know.

5 [09.58.14]

6 Q. Mr. Witness, have you ever heard of organizations either  
7 called Khmer Sar or the White Khmer, or Khmer Rumdo, the  
8 Liberation Khmer. Khmer Sar or Khmer Rumdo?

9 A. I have never heard of the two terms.

10 Q. Not a problem. Now I have some very small questions just for  
11 clarification, Mr. Witness. Let me go to your DC-Cam statement,  
12 E3/9118, on page 11. It's English ERN 01098756 and Khmer,  
13 00957786. You were asked a question about the Revolutionary Flag  
14 magazine, and you say, and I quote you as follows:

15 "The Revolutionary Flag guided us to refrain from leaning too  
16 much to the left wing, nor much -- too much to the right wing."  
17 And somewhere else, you repeat that.

18 Can you explain what that means or what you understood it at the  
19 time to mean, not leaning too much to the left and not leaning  
20 too much to the right? What did that mean?

21 [10.00.18]

22 A. The Revolutionary Flag stipulates that one should not be  
23 leaning to the left and to the right. For instance, if the  
24 instructions from the upper echelon were to instruct the mobile  
25 units to go work at one, so we should consider about the timing.

21

1 If, at 1 o'clock, it was hot, so we should not assign our people  
2 to go work at that time, 1 o'clock since it was too hot. If we  
3 assigned them at that specific time, we were considered to be  
4 leaning too much to the left or to the right.

5 And concerning leaning -- not leaning to the right is that we  
6 should not be so strict to the time. And we should not be strict  
7 to the time of their work upon their arrival at the work sites.  
8 This is my understanding about the terms, not to -- not leaning  
9 to the right and not leaning to the left.

10 Q. You were, at one point in time, a CPK cadre yourself. Are  
11 there any other examples that you could possibly give as what it  
12 meant not to be leaning too much to the left?

13 [10.02.49]

14 A. In the actual implementation regarding the notion of the  
15 leftist or the rightist tendency, allow me to clarify it once and  
16 for all. And my apology if my response is long.

17 At that time, we were in the process of engaging the socialist  
18 revolution, and that leading to the building of the country. The  
19 chief of Sector 25 inform us of engaging in the rice production  
20 in the rice fields, that we had to work hard on the soil in order  
21 to achieve the desired rice produce.

22 And in order to avoid being considered tendency to the left, we  
23 had to get rid of our personal attachment or private ownership.  
24 And in this particular example, for a person who had to plough  
25 for the field, if the plough head was broken, it could mean the



22

1 person was alleged to be an enemy who opposed the socialist  
2 revolution or the cooperative.

3 And I, myself, educated the person, and I made appeal to them to  
4 the unit chief or the group chiefs not to scare the -- their  
5 subordinates. And if we had our own rice fields, sometime we  
6 neglect it and did not plough the entire field or maybe, when we  
7 ploughed, a plough head could be broken when it hit a hard  
8 surface.

9 And now all the rice fields came one and, of course, person who  
10 ploughed might accidentally hit a tree stump and broke the plough  
11 head. Since he was not the owner of the field and did not -- and  
12 was not familiar where the tree stump was and, for that reason,  
13 he should not be accused of being an enemy of the revolution.  
14 As for the tendency toward the right, we also have to make a fair  
15 assessment of that whether the person actually adhere to the  
16 discipline of Angkar and not to be liberal, or too liberal, or to  
17 make any dirty jokes, for instance. All these kinds of things had  
18 to be getting rid of.

19 And I hope my response is clear to you.

20 [10.06.18]

21 Q. Thank you for that, Mr. Witness. I'm almost coming to my last  
22 question now, and that is, another thing that you said in your  
23 DC-Cam interview, that is, on page 13, ERN 01098758, in English;  
24 and Khmer, 00957789.

25 Mr. Witness, you're talking in this interview at that point about

1 meetings, meetings where Ta Mok were present. And the question is  
2 as follows, "Did Ta Mok give any talks during the meetings?"

3 And then you said, and I quote:

4 "During the meeting, he came and talked for about half an hour,  
5 and he told us to be very careful. He also said to Ta Saom and Ta  
6 Muth, 'Lok Krou, Saom and Lok Krou, Muth, people say that you are  
7 too cruel. Go back and apologize.'"

8 My question, Mr. Witness, do you recall saying this about Ta Saom  
9 and Ta Muth being reprimanded as too cruel by Ta Mok?

10 [10.07.55]

11 A. I am delighted to respond to this question.

12 At that time, there was a yearly conference held near the base of  
13 the Phnum Damrei Romeal mountain. I recalled he made mention of  
14 the fact that the cadres shall engage in the production and to  
15 encourage the people to do so. As for the leadership level at the  
16 village and the commune or the provincial level, they did not  
17 have the discretion or authority to kill anyone, and only the  
18 zone or the centre level had that authority.

19 Then he turned his head to Saom and Muth, and he said that also  
20 for Saom and for Muth, "People -- I was told that people were  
21 afraid of you. And when you go to meet the people, you had to  
22 make them have confidence in you and not to get scared of you. If  
23 people get scared of you, it means they express their love only  
24 when you were there, and their hatred after you left."

25 That is all I can recall.

24

1 [10.09.31]

2 Q. Thank you, Mr. Witness.

3 Mr. President, I have one last small topic. I could ask the  
4 questions now or I could do it after the break. That's -- I leave  
5 that up to you.

6 MR. PRESIDENT:

7 Thank you, Counsel.

8 The time is appropriate for a short break. We'll take a break now  
9 and resume at 10.30.

10 Court officer, please assist the witness at the waiting room  
11 reserved for witnesses during the break time and invite him back  
12 to the courtroom at 10.30.

13 The Court is now in recess.

14 (Court recesses from 1010H to 1035H)

15 MR. PRESIDENT:

16 Please be seated. The Court is back in session.

17 And the floor is now given to the defence team for Mr. Nuon Chea,  
18 to resume the questioning. You may now proceed.

19 BY MR. KOPPE:

20 Q. Thank you, Mr. President. Good morning, again, Mr. Witness. My  
21 last questions -- my last topic is -- is the following and,  
22 again, I refer to something in your DC-Cam statement and I'm  
23 seeking some clarification. That is page 21, ERN 01098766 and  
24 Khmer 00957800.

25 In that DC-Cam statement, Mr. Witness, you -- you speak about

25

1 someone called Chan Chakrey; who was Chan Chakrey?

2 MR. SAO VAN:

3 A. I do not know Chan Chakrey

4 [10.37.32]

5 Q. Let me see if I -- I can refresh your memory, Mr. Witness. In  
6 that particular page of your DC-Cam statement, you say that --  
7 you say the following:

8 "However, after I had been there for a few months, I was  
9 horrified to hear about the arrest of the military commander  
10 Chakrey. I don't know where he's from."

11 Question: "Was he Chan Chakrey?"

12 And then you answer: "Well, he wasn't Chan Raingsey; he was Chan  
13 Chakrey who used to be the commander of the Khmer Rouge troops.  
14 There was an internal conflict between the East and Southwest  
15 Zones. I learned about it when I went to live in Kandal Stueng.  
16 What did you ask me a moment ago?" And then it goes on.

17 So, again, does that maybe refresh your memory, Chan Chakrey  
18 being a military commander from the East?

19 [10.38.50]

20 A. I said I do not know this person. It is true that I do not  
21 know him and I never -- I have never seen him personally. Perhaps  
22 Yeah Bau, the Kien Svay District Committee, made mention about  
23 the person by the name Chan Chakrey who -- and she said the East  
24 Zone soldiers had the conflicts with the -- the Party. She made a  
25 mention about the conflict and the person by the name you

26

1 mentioned for just a brief moment.

2 Q. Do you remember whether she expanded on that, whether she gave  
3 some more details as to this conflict, or is that all that she  
4 told you?

5 A. She did not expand further on the issue. She was speaking  
6 about this issue while -- while she was on the journey to Kampong  
7 Svay, the location where I was living. She did not mention this  
8 point in the meeting held among all cadres.

9 Q. And -- and the Chan Raingsey that you refer to, is that  
10 Norodom Chan Raingsey from Kampong Speu Province?

11 [10.40.45]

12 A. Regarding Norodom Chan Raingsey, I heard this name from the  
13 military. He was stationed at Kampong Speu Battlefield, the last  
14 location liberated.

15 MR. KOPPE:

16 Thank you very much, Mr. Witness. Thank you, Mr. President. I'm  
17 done.

18 MR. PRESIDENT:

19 The floor is now given to the defence team for Mr. Khieu Samphan.

20 MS. GUISSSE:

21 Thank you, Mr. President. We do not have any complementary  
22 questions for this witness.

23 [10.41.52]

24 MR. PRESIDENT:

25 So, good then. The hearing of this testimony of Sao Van, has come

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1 to a conclusion now. Thank you, Mr. Sao Van, for coming to  
2 testify before the Chamber for two days. Your testimonies will  
3 contribute to the ascertainment of the truth. You may now be  
4 excused.

5 You may return to your residence or to anywhere you wish to go. I  
6 wish you good health, good luck, and prosperity in your life.  
7 Court officer, please work with WESU to send -- to send Mr. Sao  
8 Van to his resident or the location where he wishes to go.

9 (The witness exits courtroom)

10 [10.43.58]

11 MR. PRESIDENT:

12 Before the Chamber starts to hear 2-TCW-1008, the Chamber wishes  
13 to hear submissions on the request by the Co-Prosecutor to admit  
14 into evidence six documents from other case files into Case  
15 002/02 and these document are meant to use during the examination  
16 of 2-TCW-1008. Party can refer to E319/36, dated 16 November  
17 2015. And also party can refer to E319/22.3.32. These documents  
18 are intended to be used during the examination of 2-TCW-1008.  
19 So the Chamber is now hearing the submissions of the request  
20 before we start to hear 2-TCW-1008.

21 The floor is now first given to the Co-Prosecutor to submit his  
22 request.

23 [10.44.27]

24 MR. DE WILDE D'ESTMAEL:

25 Thank you. Good morning, Mr. President, Your Honours.

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1 We have indeed filed a motion on the use of documents. That --  
2 that motion was filed as an evidentiary document before the  
3 Chamber, but the Chamber has not yet ruled on a number of  
4 documents; five documents to be more precise, four of those  
5 documents are from witness 2-TCW-1008, who will testify in a  
6 while, and another is by civil party E319/23.3.18.

7 I do not think this motion will pose any problem since we are  
8 dealing with four records of interview from an -- a witness who  
9 is going to appear, so that record of interview should be used  
10 and it is in the interest of the Chamber that the document be  
11 used. Furthermore, the document is sufficiently recent and so we  
12 cannot be faulted for a late application. So we are requesting  
13 that we be allowed to use that document since the Chamber has not  
14 yet ruled on that application.

15 We have a fifth record of interview by the same witness, E31 --  
16 319/23.3.12. That document was proposed as an evidentiary  
17 document by the Nuon Chea defence team and like all the other  
18 teams, would request that all parties here present should be able  
19 to use that statement as well.

20 So I do not think there should be any particular difficulty as  
21 regards to that motion filed on the basis of Rule 87.4. It was  
22 filed in November 2015. Thank you, Mr. President.

23 [10.46.56]

24 MR. PRESIDENT:

25 Co-Lead Lawyers for civil party, do you wish to make any

1 submissions on the request of -- submitted by the International  
2 Co-Prosecutor regarding the documents to be used in the  
3 examination of 2-TCW-1008?

4 MR. PICH ANG:

5 We, Co-Lead Lawyer for the civil party, do not object to the  
6 admission of these documents.

7 MR. PRESIDENT:

8 What about the defence team for Mr. Nuon Chea? You can now  
9 proceed with your submission if you -- with the response, if you  
10 have.

11 [10.47.43]

12 MR. KOPPE:

13 Mr. President, insofar as it concerns the WRIs of the upcoming  
14 witness, we have no objection to having them admitted, but maybe  
15 you do allow me to remind the Chamber of our -- our -- of our  
16 pending oral request in relation to a DC-Cam statement of a  
17 witness and a WRI of a witness from Division 164; that is,  
18 E319/23.3.17.1 and E319/23.3.17.

19 You might recall we had a discussion about these two documents  
20 last week. I intend to use them again -- or not again; I intend  
21 to use them with this witness, so if it's possible, while we are  
22 now discussing admitting these other documents, whether the  
23 Chamber can also include in its decision a decision on our oral  
24 application.

25 JUDGE FENZ:



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1 Sorry, Counsel, was -- was that the document where we actually  
2 sent an email asking you to clarify because it appeared that  
3 there was some confusion in the record?

4 MR. KOPPE:

5 I'm not entirely sure. It is the document that the civil party  
6 Lead Lawyer objected to. It was on the interface. It is the  
7 DC-Cam statement of Nam Lan. I wasn't able to use it while  
8 examining Prum Sarat, but I did make an oral application, so I  
9 think that is still outstanding. I do not recall additional  
10 questions from the Chamber in relation to these WRIs -- WRI and  
11 -- and DC-Cam statements.

12 [10.49.51]

13 MR. PRESIDENT:

14 You have the floor now, Judge Lavergne.

15 JUDGE LAVERGNE:

16 Yes, to the best of my recollection, Counsel Koppe, what the  
17 Chamber would expect of you is a reasoned application explaining  
18 how the rules -- under Rule 87.4 are fulfilled. If you simply  
19 asked that a document be admitted into evidence without  
20 explaining why, you wouldn't make much progress with such an  
21 application.

22 [10.50.26]

23 MR. KOPPE:

24 I -- I got that same question from Judge Fenz at the hearing of  
25 Prum Sarat and I replied. I'm not sure what the -- my exact words

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1 were but that this document is prima facie relevant because it is  
2 a very extensive statement of this navy Division 164 person. He  
3 talks only -- he talks solely about what happened in the DK  
4 territorial waters. So it's -- it's basically the same kind of  
5 statement that 2-TCW-1008 gave and that Prum Sarat gave, so --  
6 well, I'm -- I'm happy to repeat the relevance.

7 As I said, it is extensively discussing treatment of Vietnamese  
8 refugees, fishermen, Thai fishermen, Thai refugees, policy as to  
9 what to do with the refugees, policies as to what was to happen  
10 at the territorial sea. So the WRIs -- the two WRIs and the  
11 DC-Cam statement are basically on the same level as Prum Sarat  
12 and the upcoming witness, so my argument then and now is that his  
13 WRIs and his DC-Cam statement are prima facie relevant to this  
14 particular segment.

15 JUDGE LAVERGNE:

16 If I understand you correctly, Mr. Koppe, you are asking us to  
17 revisit that issue because when you made the initial application,  
18 the Chamber rejected that application, so I want to understand  
19 clearly. You should bear in mind that one of the criteria of Rule  
20 87.4 is that the application should be filed in a timely manner  
21 and in this regard, can you tell us when the document was  
22 disclosed?

23 [10.52.31]

24 MR. KOPPE:

25 Let me go first. I made the oral application. It was my

1 understanding, but maybe that was wrong, that you hadn't decided  
2 upon it; that's why I made the argument, at the time, answering  
3 Judge Fenz' question why it was prima facie relevant. I -- it's  
4 my understanding that it is also possible to do -- to make oral  
5 applications, oral Rule 87.3 and 4 applications, so that's what  
6 I've done.

7 I'm repeating now what I have said earlier about this document,  
8 so I think, unless I'm mistaken, that that application was still  
9 outstanding and like the WRIs of the next witness, you hadn't  
10 decided upon it. So my question again is please decide on it so  
11 that I can use it -- so I can use his DC-Cam statement with the  
12 next witness.

13 [10.53.35]

14 MS. GUISSÉ:

15 Yes, thank you, Mr. President. As regards to documents referred  
16 to by the Co-Prosecutor, it is obvious that this is a witness who  
17 will appear shortly.

18 One point I'd like to add, and this is something that may come up  
19 one day as concerns the defence of Khieu Samphan regarding Rule  
20 87.4 applications and the belated nature of applications, that  
21 particular witness is relevant because he is testifying in regard  
22 to elements that are relevant to this trial, so I would like to  
23 point out that the documents the OCP is requesting to be admitted  
24 into evidence is useful for the defence of Khieu Samphan as  
25 regards to the examination of witnesses who have been called by

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1 the Co-Prosecutor in the aftermath of the admission of documents  
2 on Cases 003 and 004.

3 So the issues involved are not in the Closing Order. It is true  
4 that these are issues that we can anticipate insofar or at the  
5 time when the Chamber decides to hear witnesses identified after  
6 investigations in Cases 003 and 004. I would like to point this  
7 out to the Chamber as regards these specific witnesses. I am  
8 talking about the importance of filing documents in a timely  
9 manner, so I will request that this -- this matter be taken into  
10 account.

11 [10.55.25]

12 JUDGE LAVERGNE:

13 Let me ask for a last clarification. The witness has been called  
14 by the Prosecution, not by defence, isn't it; that is, not by Mr.  
15 Koppe?

16 MS. GUISSSE:

17 Yes, indeed, that witness is called by my colleague, but to  
18 testify after other witnesses identified after investigations in  
19 -- in Cases 003 and 004, so we are dealing with new materials  
20 that are coming up. I would like to draw the Chamber's attention  
21 to the fact that sometimes we have to react to much as that  
22 didn't feature in the Closing Order.

23 [10.56.03]

24 JUDGE FENZ:

25 To have it complete, Mr. Koppe, please do us the favour and tell

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1 us why you couldn't make the request to hear the witness, the one  
2 where you now requested us to rule on -- rule on, at an earlier  
3 stage, because that's the other one under Rule 87.4; you have to  
4 reason. The first one is 87.3; this is relevance, understood.  
5 Now, please reason the second requirement, 87.4, then we have a  
6 formal request.

7 MR. KOPPE:

8 Well, I can. The first moment that it became relevant that we  
9 were going into the segment of or the partial segment of the  
10 treatment of Vietnamese on the territorial sea; that was, I  
11 think, around mid-December when the Chamber decided to hear Pak  
12 Sok. When that decision was made, we filed a request to hear the  
13 upcoming witness and the last witness.

14 [10.57.03]

15 As you know, it is a segment which was not discussed at all,  
16 whatsoever, in the Closing Order; it's completely new to all  
17 parties or at least the Defence.

18 While prepping the previous witness, we saw this particular  
19 DC-Cam statement and immediately realized that this was very  
20 relevant. It is true that we could have then filed an 87 request;  
21 however, we just stumbled upon it two days before Prum Sarat's  
22 in-court appearance. So we put it on the interface, but because  
23 of the lack of resources, we weren't -- we didn't file an 87  
24 request, so I did -- I filed an oral application at the hearing.  
25 So, basically that is the reason behind it and maybe I can add to

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1 request the Chamber some leniency because of the brand new  
2 character of the subject and because of your decision to summons  
3 Pak Sok only in mid-December and in light of the fact that  
4 although you have granted extra resources to the Defence, we  
5 haven't been able to substantially use those funds at all. As a  
6 matter of fact, the administration's not very helpful, but that  
7 -- having -- that's -- that's a matter on the side.  
8 Technically, we could have done it earlier, but there was also  
9 Christmas and New Years and what have you.

10 [10.59.00]

11 MR. PRESIDENT:

12 International Deputy Co-Prosecutor, what do you think concerning  
13 the request of Nuon Chea?

14 MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President. First, yes, it's true that the witness'  
16 coming was requested by the Nuon Chea defence. It's clear. I  
17 simply want to specify that it was we in November that requested  
18 that WRIs of this witness be placed as evidence before the  
19 Chamber.

20 Now, regarding the application that was formed now, the last time  
21 we objected to it because procedures are in place and formal  
22 submissions on the basis of Rule 87.4 must be written and sent to  
23 the Chamber and not only just placing documents on the interface.  
24 We had this correspondence because there was a violation to the  
25 principles of an adversarial debate and we were not expecting

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1 this document to be placed on the interface but now, we were  
2 expecting it because it's already been a week that we've been  
3 talking about this, so we do not object formally to placing this  
4 document on the interface, nor to the request regarding the use  
5 of this document by the Nuon Chea defence today because these are  
6 documents that were forwarded and disclosed by the prosecutors  
7 following authorization by the OCIJ in a rather belated manner.  
8 But in the future, however, it would be useful for things to be  
9 clear in our proceedings that the Defence formulates requests on  
10 the 87.4 -- on the basis of 87.4 rule in a timely manner. That's  
11 all I have to--

12 [11.01.16]

13 MR. PRESIDENT:

14 Lead Co-Lawyer for civil parties, do you have any responses to  
15 the request by the defence team for Mr. Nuon Chea in relation to  
16 the admission of documents to be used in the examination of  
17 2-TCW-1008?

18 MS. GUIRAUD:

19 We will rely on the Chamber's wisdom, Mr. President.

20 JUDGE FENZ:

21 Can I just ask counsel for Nuon Chea, can you remind us of the  
22 number of the document -- the one you want a decision on?

23 [11.02.03]

24 MR. KOPPE:

25 E319/23.3.17.1. It's worthwhile mentioning that he also gave two

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1 interviews to the investigators, I'm not going to be using those  
2 WRIs, but it makes sense to have them added, as well, and these  
3 are respectively E319/23.3.17 and E319/23.3.18. WRIs and DC-Cam  
4 think -- DC-Cam statement, I think, were disclosed in -- in June  
5 2015, but I'm not quite sure.

6 JUDGE FENZ:

7 So for the record to be completely clear, your request according  
8 to 87.4 extends to the three documents you just mentioned and the  
9 reasoning is the same?

10 [11.03.05]

11 MR. KOPPE:

12 Correct.

13 JUDGE FENZ:

14 Prosecution, any additional comments on the other two documents?

15 MR. DE WILDE D'ESTMAEL:

16 We will rely on the Chamber's wisdom.

17 JUDGE FENZ:

18 The same with all the other parties, I assume, or does anybody  
19 wish to comment? Okay.

20 (Judges deliberate)

21 [11.04.36]

22 MR. PRESIDENT:

23 After having heard parties for the two requests, that is, one  
24 request by the Co-Prosecutors to admit certain documents in order  
25 to be -- to use -- to question 2-TCW-1008, as well as the oral



1 request by the defence team for Nuon Chea for the Chamber to  
2 admit documents -- three documents for the purpose of questioning  
3 2-TCW-1008, the Chamber decides to admit into evidence documents  
4 proposed by the Co-Prosecutors, that is, E319/23.3.28,  
5 E319/23.3.29, E319/23.3.30, E319/23.3.31, E319/23.3.33, and  
6 E319/23.3.32.

7 And the Chamber will also admit into evidence the documents  
8 requested by the defence team for Nuon Chea, that is, documents  
9 E319/23.3.17, E319/23.3.17.1, and E319/23.3.18. And the Chamber  
10 will issue the written decision with reasons in due course.

11 We now proceeds with hearing testimony of witness 2-TCW-1008.

12 Court officer, please usher the witness as well as the duty  
13 counsel into the courtroom.

14 (Witness enters the courtroom)

15 [11.08.26]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good morning, Witness. What is your name? And please, Witness,  
18 you need to wait for the phone to be operational when you see the  
19 red light on the tip of the microphone. This is also a good thing  
20 for you so that you have a chance to think of how to respond to  
21 the question. So please wait until the microphone is operational  
22 because your response will be interpreted into English and French  
23 and there would be a slight delay so that the interpreters could  
24 do their job properly.

25 Again, what is your name?

1 [11.09.26]

2 MR. MEAS VOEUN:

3 A. My name is Meas Voeun.

4 Q. Thank you, Mr. Meas Voeun, and do you recall when you were  
5 born?

6 A. I cannot recall my date of birth; however, I was born in 1944.

7 Q. When (sic) were you born, Mr. Meas Voeun?

8 A. I was born in Srae Khlong Village, Ou Commune, Phnum Srok  
9 District, Kampong Speu Province.

10 Q. Where is your current address?

11 A. Currently, I live in Thma Daekkeh Village, Banteay Chhmar  
12 Commune, Thma Puok District, Banteay Meanchey Province.

13 Q. And what is your current occupation?

14 A. I am a rice farmer.

15 Q. What are the names of your parents?

16 A. My father is Meas; he's deceased and my mother is Im -- Pen  
17 Im; she's also deceased.

18 Q. What is the name of your wife and how many children do you  
19 have?

20 A. My wife is Nim Yim. We have eight children; one passed away.

21 [11.11.35]

22 Q. Mr. Meas Voeun, the greffier made an oral report that to your  
23 best knowledge, you are not related by blood or by law to any of  
24 the two accused, that is, Nuon Chea and Khieu Samphan, or to any  
25 of the civil parties admitted in Case 002; is that information

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1 accurate?

2 A. Yes, that is correct.

3 Q. And Mr. Meas Voeun, which -- or what religion are you  
4 practicing?

5 A. I am a Christian.

6 MR. PRESIDENT:

7 Thank you and Mr. Em Hoy, please proceed with the swearing of  
8 this witness according to his religion.

9 [11.12.52]

10 THE GREFFIER:

11 Thank you, Mr. President.

12 And Mr. Witness, please place your left hand on the Bible and  
13 raise your right hand. Please repeat after me.

14 MR. MEAS VOEUN:

15 I solemnly declare that I shall tell the truth, the whole truth,  
16 and nothing but the truth.

17 THE GREFFIER:

18 Thank you.

19 BY THE PRESIDENT:

20 Thank you, Mr. Meas Voeun. The Chamber now would like to inform  
21 you of your rights and obligations as a witness before this  
22 Chamber.

23 Your rights: As a witness in the proceedings before the Chamber,  
24 you may refuse to respond to any question or to make any comment  
25 which may incriminate you. That is your right against

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1 self-incrimination.

2 [11.14.18]

3 For your obligations: As a witness in the proceedings before the  
4 Chamber, you must respond to any questions by the Bench or  
5 relevant parties except where your response or comment to those  
6 questions may incriminate you, as you have just been informed of  
7 your right as a witness. You must tell the truth that you have  
8 known, heard, seen, remember or experienced or observed directly  
9 in relation to an event or occurrence relevant to the questions  
10 that the Bench or parties pose to you.

11 Q. Mr. Meas Voeun, have you been interviewed by investigators of  
12 the Office of the Co-Investigating Judges; if so, how many times,  
13 when, and where?

14 [11.15.17]

15 MR. MEAS VOEUN:

16 A. I was interviewed at my home for one time and besides that I  
17 have been interviewed here at ECCC for three times.

18 MR. PRESIDENT:

19 So in total, you have been interviewed by OCIJ investigators for  
20 four times; is that correct?

21 A. Yes.

22 Q. Thank you. And before you appear before us, have you read,  
23 reviewed or have them read aloud, that is, the four written  
24 records of your interviews with OCIJ investigators, in order to  
25 refresh your memory?

1 A. Yes, I have read some of them; however, I cannot recall all  
2 the points in the WRIs.

3 Q. And to your best knowledge and recollection, do WRIs reflect  
4 the statements you provided to the OCIJ investigators during your  
5 four interviews?

6 A. Yes, some of them.

7 [11.17.00]

8 Q. What you mean; my question is that whether the content of the  
9 written records of interviews are consistent with the statements  
10 that you provided to the investigators and if there are problems  
11 with those WRIs, we have to resolve the matters first before you  
12 can testify. That is the question that I put to you. So please  
13 tell us whether the written records of your interviews are  
14 consistent with what you told the OCIJ investigators. I  
15 understand that you have been interview quite some times and in  
16 addition, you have been interviewed several times, so please  
17 indicate to the Chamber whether those written records reflect  
18 what you said to the investigators.

19 A. Some points are consistent, but some other points are not.

20 [11.18.16]

21 Q. Thank you, Mr. Meas Voeun. You are now assisted by a duty  
22 counsel per your request, that is, Madam Sok Socheata. When need  
23 be, you may consult with your duty counsel, that is, to consider  
24 those questions that you may think your response may incriminate  
25 you. Then if that is the case then you should consult with your

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1 duty counsel. For instance, whether you participated directly in  
2 relation to the crimes that happened during the DK period.  
3 However, please be mindful of your obligations that you need to  
4 respond to all the questions and that you need to tell the truth;  
5 do you understand the proceedings?

6 A. Yes, I do.

7 [11.19.43]

8 Q. Pursuant to Rule 91 bis of the ECCC Internal Rules, the  
9 Chamber will give the floor to the defence team for Nuon Chea to  
10 put questions to this witness before other parties, since you are  
11 the proposer to hear this witness. And the two defence teams will  
12 have the allotted time of two sessions. The defence team for  
13 Khieu Samphan will have the last -- will put the questions last  
14 to the witness per our practice.

15 QUESTIONING BY MR. KOPPE:

16 Thank you, Mr. President. Good morning, Mr. Witness. You -- you  
17 just or testified that you'd tell the truth and you swore on --  
18 on the Bible. This means, of course, that you are a Christian.  
19 In your DC-Cam statement, you made a small reference to your  
20 Christian faith; your DC-Cam statement is E3/8752, and you  
21 referred that you were Christian in the same matter -- manner as  
22 one of the people brought before this Court, Duch. My question to  
23 you is: Were you always a Christian or did you become a Christian  
24 after 1979?

25 [11.21.39]

1 MR. MEAS VOEUN:

2 A. I became a Christian in 1993.

3 Q. Thank you, Mr. Witness. Let me now move to the period of '75  
4 and '79, but also to the period before the liberation on 17 April  
5 '75. More particularly, I would like to ask you something that  
6 you said in your DC-Cam statement on English, page 2, ERN  
7 00849487 and Khmer 00733313. There's no French translation, Mr.  
8 President.

9 You spoke, in that DC-Cam statement, about the period between or  
10 even before 1970, before the coup d'état in March 1970, and you  
11 spoke about your -- your brothers; can you tell the Court what  
12 happened to your brothers before 1970?

13 [11.23.11]

14 A. I don't think there is anything to do with my younger  
15 brothers; all my younger brothers passed away. I don't think I  
16 made mentioned of my younger brothers in my statement.

17 Q. Let -- let me see if I can refresh your memory, Mr. Witness.  
18 It's -- it's already five years ago or six years ago that you  
19 gave that interview. Let -- let me quote to you what you said.

20 "After I had left for the forest, I was known of having served  
21 the activities of the Khmer Rouge, thus my older brother, who was  
22 about 30 years old, got arrested and taken away to be killed in  
23 Ou Commune, Phnum Sruoch District., Kampong Speu Province during  
24 the Lon Nol regime. Later on, my younger brother also got  
25 arrested and killed, so was an uncle of mine because I had had a

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1 tendency to the Khmer Rouge."

2 I apologize; you were referring actually to the period of '70 -  
3 '75. Is it correct, Mr. Witness, that your older brother, your  
4 younger brother, and your uncle got killed between '70 and '75  
5 because you were suspected of having Khmer Rouge tendencies?

6 [11.25.06]

7 A. Yes, that statement jogs my memory. Before 1970, that is, the  
8 period of around 1967 when I left for the forest, my elder  
9 brother was arrested because of his link to those who lived in  
10 the forest, that is, he provided food to those who lived in the  
11 forest -- in the forest. So one of my elder brothers was arrested  
12 along with my younger brother-in-law and one of my cousins was  
13 also arrested and they were taken and killed at Phnom Trapeang  
14 Kraloeng mountain.

15 Q. On -- on the next page, you -- you say, "I fled into the  
16 forest because I was afraid of the Lon Nol's intelligence  
17 agents."

18 Were you afraid of the Lon Nol intelligence agents because of the  
19 killing of your brothers and uncle or was there another reason?

20 [11.27.00]

21 A. I went to the forest, but my older and younger siblings  
22 remained at home. Some people came to the village asking the  
23 villagers for rice and for some reasons, they observed the  
24 activity and that led to the arrest of my sibling.

25 Q. Thank you, Mr. Witness. Let me now move on to the attack --



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1 the final attack on Phnom Penh in 1975. You have testified  
2 extensively about this already during the four days that you were  
3 questioned in this courtroom in 2012. Nevertheless, I have a few  
4 additional questions that I would like to put to you.

5 In your DC-Cam statement on -- on page 9, that is, ERN 00849494  
6 and Khmer 00733320, you're talking about the attack on Phnom Penh  
7 and then you said, and I quote:

8 "At that time, it was the East Zone's division followed by the  
9 Southwest's Zones, West Zone, and Northwest. They finally joined  
10 hands with each other."

11 I'm not sure if, in the actual interview, you referred to the  
12 Northwest, but leaving that aside, do you recall saying that once  
13 Phnom Penh was captured, the forces of the East Zone and the  
14 Southwest Zone and the North Zone joined hands together or joined  
15 hands with each other?

16 [11.29.39]

17 A. During the attack on Phnom Penh, there were those troops from  
18 the East, the North, and the Southwest as well as the special  
19 zone; they joined hands to attack Phnom Penh.

20 Q. Once Phnom Penh was captured, do you know whether there were  
21 also clashes in Phnom Penh between East Zone forces and Southwest  
22 Zone forces?

23 A. No, there was no clash, to my knowledge, or at least where I  
24 was.

25 Q. Thank you. Do you remember that, at one point in time, former

1 Lon Nol soldiers raised the white flag?

2 A. Yes, they did. They -- the flags -- the white flags were  
3 raised also at -- along those apartments or houses.

4 [11.31.31]

5 Q. And once the Lon Nol soldiers had raised the white flag, what  
6 was the instruction in your division to do; what were you  
7 supposed to do with soldiers who had raised the white flag? I'm  
8 asking you only to limit yourself to your division.

9 A. I received instructions to the effects that when the enemy  
10 raised the white flag, then they should not be harmed and they  
11 should be placed where they were and only the weapons had to be  
12 collected.

13 MR. PRESIDENT:

14 Thank you, Counsel. It is now appropriate for a lunch break. We  
15 take a break now and resume at 1.30 this afternoon.

16 Court Officer, please assist the witness at the waiting room  
17 reserved for witnesses during their lunch break and invite him,  
18 as well as the duty counsel back into the courtroom at 1.30.

19 Security personnel, you are instructed to take Khieu Samphan to  
20 the waiting room downstairs and have him returned to attend the  
21 proceedings this afternoon before 1.30.

22 The Court is now in recess.

23 (Court recesses from 1133H to 1332H)

24 THE PRESIDENT:

25 Please be seated. The Court is now back in session.

1 And the floor is once again given to the defence team for Mr.

2 Nuon Chea to resume its questioning. You may now proceed.

3 BY MR. KOPPE:

4 Q. Thank you, Mr. President. Good afternoon, Your Honours. Good

5 afternoon, Mr. Witness. Just before the break I asked you a

6 question about Lon Nol military raising the white flag in Phnom

7 Penh on or around the 17th of April 1975. From your testimony I

8 understood that you only stayed about a week in Phnom Penh and in

9 your DC-Cam statement at English page 10, ERN 00849495; and

10 Khmer, 00733321; you said that after the explosives and rifles

11 were confiscated, "We left the city, thus" -- quote -- "thus I do

12 not know what happened behind the scene."

13 [13.34.00]

14 I understand that, but it's also my understanding that once you

15 left Phnom Penh you went to Kampot and stayed for about 10 months

16 or maybe a year in Kampot. Do you know what happened to Lon Nol

17 military who had been captured in April '75? Do you know if

18 anything happened to them while you were in Kampot?

19 MR. MEAS VOEUN:

20 A. After I was reassigned from Phnom Penh to Kampot I was sent to

21 Kampong Trach, Tuk Meas. I do not know that Lon Nol's soldiers

22 had already been there. Upon my arrival I noticed there were

23 villages and villagers there. I was assigned to go and repair the

24 railway which some parts were broken.

25 Q. Let me ask it differently, Mr. Witness. Were you yourself or

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1 any members of your division involved in the execution of Lon Nol  
2 military who had raised the white flags either coming from Phnom  
3 Penh or coming from Kampot?

4 [13.37.01]

5 A. My soldiers were not engaged in the killings and executions  
6 since there were no Lon Nol soldiers visible at that place.

7 Q. While in Kampot before moving to Koh Kong, have you ever heard  
8 of Lon Nol military who had raised the white flags who had  
9 subsequently been executed?

10 A. I have never heard of that.

11 Q. Let me briefly return to the evacuation or the liberation and  
12 the subsequent evacuation of Phnom Penh. In one of your WRIs and,  
13 more particularly, E3/424 in question and answer 5, you said the  
14 following. The question is, "If any Phnom Penh people refused to  
15 leave did the Khmer Rouge upper echelon instructed to shoot those  
16 people to death?" And you answer, "No instruction to shoot people  
17 to death."

18 Can you elaborate on how that particular order that you described  
19 was conveyed to you?

20 [13.39.07]

21 THE PRESIDENT:

22 Please hold on, Mr. Witness. You have the floor now,  
23 International Deputy Co-Prosecutor.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you. Good afternoon, Mr. President.

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1 When the questions have to do with the Lon Nol soldiers I  
2 wouldn't object. But when it has to do with the evacuation of  
3 Phnom Penh and particularly the case of civilians being  
4 evacuated, I think the defence is erring as regards to the trial  
5 in point because they will have to come back before the Supreme  
6 Court chamber next week because we have already dealt with this  
7 point in case number 01. It's no longer a part of case number 02.  
8 So I think this question is not relevant.

9 MR. KOPPE:

10 I am a bit puzzled. I just have -- I mean the matter was  
11 extensively discussed in Trial 002/1, I agree, but there is one  
12 or two follow-up questions that I have. That's why I didn't also  
13 ask an open question first because the subject has been debated.  
14 [13.40.20]

15 JUDGE FENZ:

16 Just explain in two sentences why it is relevant as opposed to  
17 what the Prosecutor alleges.

18 MR. KOPPE:

19 Because of my upcoming question, I want to establish the basis  
20 first, have him confirm this and then move onto the question that  
21 I wanted to pose to him. That all has to do -- I am happy to  
22 expand on that question already. It is whether he knows if the  
23 East Zone Division commanded by one of -- by one of the people  
24 that we would like to have as a witness here, had equal  
25 instructions or orders. That is my follow-up question.

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1 (Judges deliberate)

2 [13.42.32]

3 JUDGE FENZ:

4 Counsel, I guess the confusion is because is even your follow-up  
5 question about evacuation of civilians? Then we have a problem  
6 with the scope.

7 MR. KOPPE:

8 The question I want to ask is whether he knows that East Zone  
9 Division Commander Heng Samrin, who was in equal position as he,  
10 whether he knows he had that same order, whether he knows whether  
11 those orders also were given to the East Zone which in turn might  
12 be helpful for not having to ask that question to that person  
13 himself who probably will never enter this courtroom. I was just  
14 being -- just trying to get some more knowledge on Heng Samrin as  
15 the East Zone Division commander. That's all.

16 JUDGE LAVERGNE:

17 But all this has to do with the evacuation of civilians from  
18 Phnom Penh. Does it have to do with the treatment meted out to  
19 Lon Nol soldiers? I do not understand.

20 [13.43.51]

21 MR. KOPPE:

22 I really don't understand why I cannot answer this question. I  
23 know we don't deal with the evacuation as such anymore but there  
24 was only one question and it's a follow-up question for  
25 clarification and it goes to the military structure of the East

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1 Zone Division and I was wondering whether he knows something  
2 about that. What is the problem?

3 THE PRESIDENT:

4 You are allowed to put questions. Please repeat your last  
5 question.

6 And, Mr. Witness, please listen to the question carefully before  
7 you give your response.

8 [13.44.36]

9 BY MR. KOPPE:

10 Q. Thank you, Mr. President. Mr. Witness, you said that there was  
11 an upper echelon instruction not to shoot people dead once they  
12 refused to leave Phnom Penh. My question is the following:

13 Someone in, I believe, an almost similar position as you, maybe  
14 the exact same position as you, Heng Samrin, Deputy Commander of  
15 the East Zone Division, do you know whether he had that same  
16 order, whether he had that same instruction as you?

17 MR. MEAS VOEUN:

18 A. Regarding the order not to shoot dead soldiers and not to  
19 evacuate people, I did receive that order. I received such order  
20 from the division level and I do not know how the order was  
21 issued to the East Zone military. I was part of Division Number  
22 1, so I knew only the order that I received.

23 Q. I understand, but have you ever heard in that week that you  
24 were in Phnom Penh, that East Zone military behaved differently  
25 than the divisions from the Southwest Zone that you were from?

1 [13.46.21]

2 A. I cannot speak for the East Zone soldiers since we were  
3 engaged in different tasks. I was responsible for my designated  
4 location and the East Zone military were responsible for their  
5 respective zones. We were ordered not to touch on -- properties  
6 of people and also not to harm the soldiers.

7 Q. Very clear, thank you, Mr. Witness. Let me now, before I go to  
8 Koh Kong, ask you one or two clarifications as to the structure  
9 of your division and the upper echelon. In your DC-Cam statement  
10 but also in various WRIs you speak about Son Sen and you speak  
11 about Ta Mok. Son Sen is, as you pointed out, or was rather, the  
12 chief of the general staff but, according to you, Ta Mok was the  
13 commander-in-chief and the commander of the battlefields, the  
14 military commander-in-chief of all three branches of the  
15 military. He could command any force and he was more powerful  
16 than Son Sen.

17 First of all, did I summarize that correctly and, secondly, could  
18 you explain to me how you knew this?

19 [13.48.27]

20 THE PRESIDENT:

21 Please hold on, Mr. Witness. You have the floor now,  
22 Co-Prosecutor.

23 MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President. I do remember having read that but  
25 could the Defence specify the document in question and the ERN



1 numbers?

2 BY MR. KOPPE:

3 Yes, I will, Mr. President. He said it among other places in his

4 DC-Cam statement on English page 25, English ERN, 00849510;

5 Khmer, 00733339. He also said it in his WRI E3/19/23.3.30 both in

6 questions 5 and 24.

7 Q. So going back to my question, Mr. Witness; first of all, did I

8 summarize your testimony in relation to Ta Mok accurately, that

9 he was the military commander in chief of all three branches of

10 the battlefields and had more power than Son Sen?

11 A. That is correct.

12 Q. And my follow-up question is can you explain to the Court how

13 you knew this?

14 [13.50.30]

15 A. Could you again clarify for me the notion of all three

16 branches of military? I do not really understand it.

17 Q. You referred to the navy, the army and the air force and you

18 said that Ta Mok was the military commander in chief of all these

19 three branches of the military so, in fact, from a military

20 perspective, higher than Son Sen?

21 A. I am now telling the Court about the chain of command.

22 Regarding all the three branches of the military; navy, army and

23 air forces, I do not know the tasks that he performed but what I

24 saw at the time, he had the authority to issue orders to all

25 three branches of the military; navy, army and air forces.

1 [13.52.04]

2 Q. But I'm still not quite sure how you knew that Ta Mok was sort  
3 of overall military commander, military commander in chief. How  
4 did you know at the time?

5 A. I knew that since he was entitled to order my soldiers and the  
6 other soldiers had to receive his order as well. And I do not  
7 know how broad his authority -- his power at the time.

8 Q. Very well, thank you. I will move on, Mr. Witness. Was it  
9 correct what I just said that before you moved to Koh Kong you  
10 were about 10 to 12 months stationed in Kampot?

11 A. It is not correct. It was about three and four months.

12 Q. I am not saying you are not correct, but let me read to you  
13 what you said before this Trial Chamber on the 4th of October  
14 2012, at around 9.56 in the morning.

15 "I was stationed in Kampot Province for about a year. If I  
16 remember correctly, it was about 10 months or so in Kampot  
17 Province and then my troops were transferred to Koh Kong  
18 Province. It was in '76, yes. That was in late '76 or nearly  
19 '77."

20 Does that somehow jog your memory?

21 [13.54.29]

22 A. I was stationed at Kampot for three or four months before I  
23 was transferred to Koh Kong where I was stationed there for three  
24 years. Then I was reassigned to be stationed at Preah Vihear. I  
25 was at Kampot, as I said, for six months the longest and, as I

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1 said, I was working at Koh Kong for three years. I was in Kampot  
2 not long.

3 Q. Very well, thank you. Let me now turn to your work in Koh  
4 Kong. You became the Deputy Commander of Division 1 and Division  
5 1 belonged to the West Zone and operated, broadly speaking, at  
6 the coast of Koh Kong Province. Is that correct?

7 [13.55.48]

8 THE INTERPRETER:

9 The interpreter could not hear the full answer from the witness.

10 MEAS VOEN:

11 A. Yes, that is correct.

12 Q. Is it correct to say that Division 1 was in fact the ground  
13 force of the West Zone?

14 A. That is correct.

15 Q. Is it also correct to say that the division reported to the  
16 chief of the West Zone, to Chou Chet, also known as Ta Si and  
17 that Ta Soeung was the commander of Division 1?

18 A. Ta Soeung. I want to clarify it for the Court. I was the  
19 deputy of the division in Koh Kong.

20 I never made the report to Ta Si but to Ta Soeung.

21 Q. I understand but he was the commander of Division 1, Ta  
22 Soeung. That is correct, isn't it?

23 A. Yes, it is.

24 Q. Now, I believe that in Koh Kong there were also troops  
25 stationed that didn't belong to Division 1 at the West Zone, but

1 belonged to Division 164 which was a navy -- which was the navy  
2 or a centre division. Is that correct?

3 [13.57.50]

4 A. Divison 1, which was stationed at Koh Kong, was not under navy  
5 in Kampong Som. Division 1 belongs to the West Zone. So once  
6 again, Division 1 was not under the supervision of the division  
7 from Kampong Som. And the reporting system was not to report to  
8 the division from Kampong Som. Division 1 had to make the report  
9 to the zone.

10 Q. Maybe I wasn't clear enough but I wasn't implying that. I was  
11 just asking your confirmation whether these two divisions existed  
12 next to each other both in Koh Kong and both in -- only in Koh  
13 Kong; is that correct?

14 A. Could you please repeat once again regarding the division? I  
15 do not really get your question.

16 [13.59.18]

17 Q. I apologize for not being clear. My point was that Division  
18 164 which was a centre division co-existed, existed next to  
19 Division 1 of the West Zone. Is that correct?

20 A. Actually, Division 164 was originally from other zone and  
21 Division 1 was from a different zone. Division 164 was stationed  
22 initially in Kampong Som and Division 1 was at Koh Kong. So we  
23 were not working -- mixed together.

24 Q. Maybe there is something going wrong in the translation, but I  
25 think we mean the exact same thing, Mr. Witness. Let me move on.

1 Is it correct that neither division was more powerful than the  
2 other division? In other words both divisions were equally  
3 powerful?

4 A. Let me clarify. Division 64 (sic) was more powerful than the  
5 zone.

6 Q. Let me read to you what you said to the investigators, that  
7 is, E319/23.3.30, question and answer 17.

8 "Between the navy and Division 1 of the West Zone, neither was  
9 more powerful than the other. Division 1 was the ground force of  
10 the West Zone. The role of Division 1 was to defend the territory  
11 along the border in the West Zone." etc.

12 So you are saying that both divisions within their own structure  
13 were equally powerful. Is that correct?

14 A. Yes.

15 [14.02.24]

16 Q. What about orders coming respectfully from the West Zone to  
17 Division 1 and coming from the Centre to Division 164? Were they  
18 the same kind of orders? Did Division 164 and Division 1  
19 cooperate together and did they generally receive the same kind  
20 of orders from the upper echelon?

21 A. Yes. We received the same orders.

22 Q. Did you also when working at the territorial -- on the  
23 territorial sea, did you share information among each other? Did  
24 you talk to each other beforehand? Did you inform -- did one  
25 division inform the other division as to what they were going to

1 do on the territorial sea?

2 [14.03.43]

3 A. I did not make any contact with Division 64 (sic). However,  
4 before the regiment or organization was made for the three  
5 branches of the military, the heads of each branch of the  
6 military would call a meeting to discuss amongst themselves and  
7 later on the divisional commander would relay instructions to me  
8 and then I would relay those instructions down to the regimental  
9 level. So usually the heads of the three branches of the military  
10 would hold a meeting among themselves and then instructions were  
11 relayed to us.

12 Q. Maybe you mean the same thing but just to be sure, let me read  
13 to you what you said in your WRI, E319/23.3.32, in question and  
14 answer 4 and 5.

15 The question is: "Was sharing information between the navy and  
16 your division an operational necessity for the capture of Thai  
17 and Vietnamese fishing boats?"

18 And then you answer: "Yes, sharing information was very important  
19 for our operations to capture Thai and Vietnamese fishing boats".

20 Question: "If the navy and Division 1 had not cooperated and  
21 shared information with each other well, what would have  
22 happened?"

23 And then you answer: "If we had not shared information and  
24 cooperated well, that would have demonstrated that we were in  
25 conflict with one another. Such a situation would provide an

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1 opportunity for all boats to enter our territorial waters as they  
2 pleased."

3 Mr. Witness, do you remember saying this and is that -- was that  
4 an accurate statement?

5 [14.06.06]

6 A. Yes, that is correct.

7 Q. Now, let me move to the situation that your division or  
8 Division 164, spotted boats with either fishermen or refugees  
9 onboard. You were asked this question already in October 2012, in  
10 this courtroom. You gave extensive answers. But do you remember  
11 what would happen if you spotted in the territorial sea boats  
12 with Vietnamese or Thai refugees or fishermen?

13 A. During our defence of our territorial waters, that is, to stop  
14 them fishing in our waters, we cooperated with other forces  
15 including Division 64 (sic). They could actually bring their  
16 naval ships to our Division 1 and we would also look after that  
17 naval ship. That's the way we cooperated in our defence. In a  
18 case that there is a Thai or "Yuan" boat encroached on our waters  
19 we would collaborate and cooperate to seize that boat.

20 [14.08.07]

21 Q. Let me read to you something you said in this regard, and  
22 please tell me if that is a correct statement. You were asked a  
23 question about this particular subject in document E319/23.3.32.  
24 Question and answer 8, Mr. President.

25 "If a boat was inside our waters approximately 10 to 11 nautical

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1 kilometres from the coast, we had to go to search and capture the  
2 boat. But if the boat was 30 to 70 nautical kilometres from our  
3 coast, we had to watch it and then chase it away. Before we  
4 approached the boat we had to determine if it was a civilian boat  
5 or a fishing boat escorted by warships and so on. All this was  
6 general policy." End of quote.

7 Do you remember saying this to the investigators, Mr. Witness?

8 A. Yes, that's my statement.

9 [14.09.34]

10 Q. And once a boat would be in that area inside your waters, what  
11 would happen then? What would you or what would Division 1  
12 soldiers or patrolmen do? What exactly would happen?

13 A. When a ship encroached on our territorial waters we would  
14 deploy our ship in order to inspect what kind of ships that  
15 encroached on our territorial waters, whether it was a large ship  
16 or a fishing boat. For a fishing boat we would chase it away.  
17 However, if we were fired upon, then we would return the fire.

18 Q. And if it was determined that the people on the boat were  
19 Vietnamese refugees what would happen then?

20 [14.10.55]

21 A. For a Vietnamese boat, and of course it happened only once in  
22 a while, it may went off course and encroach our territorial  
23 waters with the intention to go to Thailand. And when we were  
24 aware of its presence we would capture that boat and send it  
25 through a change of command to the upper level. For instance if a



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1 boat was captured, that boat would be sent to Kampong Som as the  
2 force from Division 64 (sic) also was with us. So when a boat was  
3 captured then we would give or hand the boat to the forces from  
4 Division 64 (sic) who would return it to Kampong Som.

5 Q. And we'll get back to that, but let me read to you something  
6 that a chairman, commander of Division 164 told investigators.

7 Mr. President, this is document E319/23.3.12. In question and  
8 answer 75, this particular Division 164 commander says:

9 "In the context of work of Division 164, I heard Meas Muth  
10 reporting about the Vietnamese boats that had entered Cambodian  
11 territorial waters. Son Sen said if those Vietnamese were  
12 refugees to Thailand we should not arrest them and we should let  
13 them travel on." End of quote.

14 Does this sound familiar, this order from Son Sen or have you  
15 never heard of it?

16 A. Yes, I heard about that order. The same thing applied to the  
17 Thai people. If the Thai people were captured they would be  
18 returned to Thailand. As for the Vietnamese the same political  
19 chain was used.

20 For me, for my unit, when they were captured then I would send  
21 them through to the upper level and I did not know the process  
22 that the upper level used in dealing with Vietnam. So I would  
23 send it through to the divisional headquarters.

24 [14.14.10]

25 Q. But once it was established by division headquarters in Koh

1 Kong or maybe Kampong Som, if it was established that these  
2 Vietnamese people were refugees were they then released and sent  
3 on to where they were going?

4 A. Yes, wherever they wished to go, they would be sent there.  
5 That is the information I received from the divisional  
6 headquarters.

7 Q. So is it then correct for me to say once it was established  
8 they were genuine refugees they could -- they were released and  
9 could go on? If they were not refugees, then division  
10 headquarters would decide about the next steps; is that correct?

11 [14.15.24]

12 A. I did not know the activities involved by the division.

13 Q. Let me read something else from this same company commander  
14 from Division 164. He was asked a question about internal and  
15 external enemies in relation to Vietnamese fishermen. Question 69  
16 or, rather 70:

17 "You said there were two kinds of enemies, internal and the  
18 external. Do you think the Vietnamese fishermen were regarded as  
19 the external enemy and were taken to be killed?"

20 Answer is as follows: "I do not think so. The external enemy  
21 refers to the Vietnamese soldiers along the border. Regarding the  
22 seizures of the Vietnamese boats, to my knowledge the Vietnamese  
23 fishermen were not regarded as the external enemy but they had  
24 violated the territorial waters of Democratic Kampuchea."

25 Can you give a reaction as to what this witness said about

1 Vietnamese fishermen?

2 [14.16.59]

3 A. I had nothing to do with the Vietnamese fishermen since they  
4 did not have any encounters with my unit.

5 Q. I can understand that because that's probably too far for the  
6 fishermen but what about Vietnamese refugees, people who had fled  
7 from Vietnam? Were they considered by your division as the  
8 external enemy or was the external enemy meant to qualify the  
9 Vietnamese soldiers who were captured on sea?

10 A. Regarding Vietnamese refugees, they were not considered  
11 enemies. They were considered ordinary people who were afraid of  
12 the war as we used to be afraid of wars. So from one region to  
13 the next they wanted to move on and have a better alive. And when  
14 they were captured by my unit I would send them to my upper  
15 leadership level and whatever decision they made that was theirs.  
16 However for us they were not considered enemy. They were ordinary  
17 people. They went through the misery of going through high seas,  
18 for instance. If they were actually enemies they would fire upon  
19 us, and if that's the case then we would return fire.

20 [14.19.02]

21 Q. Last question in relation to Vietnamese refugees. Mr.  
22 President, I am referring to an excerpt from Philip Short's book,  
23 E3/9, book page 3-7-9, 379; English ERN 00396587. There is only  
24 French, 00639951. This is a British journalist and, Mr. Witness,  
25 he speaks about boat refugees from Vietnam, many of them with

1 Chinese background and he says:

2 "A quarter of a million immigrants stripped of their possessions  
3 of the Vietnamese police set out in floating coffins to seek a  
4 new life abroad. Tens of thousands drowned or were murdered by  
5 Thai or Malay pirates. The operation was approved by Le Duan  
6 himself."

7 Now, Mr. Witness, I believe in one of your statements you speak  
8 about pirates but have you ever heard or experienced killing of  
9 Vietnamese refugees by Thai or Malay pirates?"

10 [14.20.54]

11 A. No, I did not hear about that.

12 Q. And then my last question as to fishermen on the -- in the  
13 territorial sea, in one of your answers which I just quoted you  
14 talked about Thai fisher boats being escorted by warships. Can  
15 you tell us a bit more about that?

16 A. At the time most of the Thai fishing boats actually entered  
17 our territorial waters, we did not fire upon them and of course  
18 our defence resources were rather limited.

19 Sometimes they entered our territorial waters at nighttime to  
20 catch fish. Usually those boats were accompanied by military  
21 warships. At first they only entered part of our territorial  
22 waters but later on they actually encroached deeper into our  
23 waters. Then we had to actually show off our ships so that they  
24 would return to their waters.

25 [14.22.55]

1 And later on they kept encroaching our territorial waters and we  
2 did not decide to capture them, but we reported to the division.  
3 For example, on this particular day a certain amount of fishing  
4 boats and there could be 10 or 20 fishing boats escorted by  
5 warships which entered our territorial waters to catch fish. Then  
6 we received instructions if the encroachment was deep inside our  
7 territorial waters. We had to take measures against them. Because  
8 at that time there was no proper communication between us and the  
9 Thai side, we would use weapons to approach them. And from my  
10 recollection, for the third approach they fired upon us. Then we  
11 returned fire.  
12 So then they were firing back and forth between the Thai fishing  
13 boats and our boats.  
14 And for the third encounter they actually used their planes to  
15 shoot at us. Some of us were injured by the aerial bombardment  
16 from their planes and that led to the border conflict with  
17 Thailand.  
18 Then the Thais sent three more ships to attack us. And then the  
19 fighting between the Thai side and our side lasted for a week.  
20 So this is an example of how we engaged in the fighting with the  
21 other forces. That meant that we sent a report to the upper level  
22 and then they would relay instructions to us of what to do next.  
23 That led to this week-long fighting with the Thai fishing boats.  
24 And due to that (inaudible) it led to our fighting along the land  
25 border as well. And after that we actually retreated from the

1 fighting with the Thai side. From what I could say, since that  
2 big clash then the fishing activity by the Thai side seems to  
3 reduce drastically.

4 [14.26.15]

5 Q. Did you ever -- did your division ever have similar encounters  
6 with Vietnamese warships or Vietnamese boats which were armed or  
7 was Koh Kong too far away for that?

8 A. I did not encounter Vietnamese fishing boats. Maybe the other  
9 units encountered that. My unit had an encounter with the Thai  
10 fishing boats as I just described.

11 Q. Thank you, Mr. Witness. Now, let me turn to a completely  
12 different subject. You were asked some questions about that  
13 earlier already but I have some clarification questions. And that  
14 is your attendance to a big West Zone conference on the 25th of  
15 July 1977, held at a coconut plantation in Kampong Speu, Chbar  
16 Mon. Do you recall you being present at that West Zone conference  
17 in Kampong Speu on a coconut plantation?

18 [14.27.47]

19 A. Yes, I recall that but I cannot recall the date of that  
20 conference, although it took place around 1972 or '73.

21 Q. Maybe something went wrong in the translation but I meant the  
22 West Zone conference on the 25th of July 1977. Do you remember  
23 that one?

24 A. I am trying to recall if there was a conference held in 1977.  
25 I think there was a conference that was held in 1972. Anyway,

1 allow me to say that I cannot recall the year of the conference.

2 Q. No problem, Mr. Witness. Let me jog your memory. In your WRI

3 E3/80, 8-0, in question and answer 13 you say the following --

4 excuse me, 14, question 14:

5 "Did you attend the congress of the West Zone held on 25 July

6 '77? What was the composition, the echelon of the participants in

7 that congress?"

8 And you answer as follows: "I attended the congress of the West

9 Zone in Kampong Speu Province held at a coconut plantation in

10 Chbar Mon District in 1977 but I do not recall the exact date.

11 The participants were comprised of the zone committee, the sector

12 committees, the committees of all the districts, the chairman and

13 deputy chairman of the divisions and regiments in the West Zone."

14 [14.30.18]

15 Just to help you a little you a little bit more, I will read also

16 question and answer 15:

17 "At that time which senior leaders attended that congress?"

18 And then you answer: "At that time, Ta Pal, Ta Si and Ta Soeung

19 were present. Three of them were the zone committee."

20 Does that jog your memory, Mr. Witness?

21 A. Yes, I recall that.

22 Q. Just a small question before I move to the content of that

23 meeting. The coconut plantation that you spoke about, was that

24 the coconut plantation that belonged to someone called Norodom

25 Chan Raingsey?

1 [14.31.25]

2 A. Yes, that's what the district committee said about Chan  
3 Raingsey at the coconut plantation.

4 Q. Let me now turn to a "Revolutionary Flag", Mr. Witness. Mr.  
5 President, that is E3/193, English ERN, 00399236; Khmer, 00062965  
6 and 66; and French, 00611840 and 841. It is a very long report of  
7 that meeting so I will not tire you with reading everything.  
8 That's impossible, but there is one little excerpt that I would  
9 like to present to you.

10 On these pages it is said that, "During this conference the  
11 subject is discussed how to prepare forces to attack and smash  
12 the enemy and the no good elements imbedded inside and  
13 controlling the cooperatives."

14 A little bit further on those same pages it says as follows,  
15 "This attack is not to arrest everyone and bring them in for  
16 punishment. It is to use the poor peasants and the lower  
17 middle-class peasants to control the cooperatives. That's all."

18 Mr. Witness, do you remember speakers speak about smashing or  
19 attacking the enemies but not to arrest everyone, to be selective  
20 in who was to be considered the enemy?

21 [14.33.55]

22 A. Yes, you are right. That was the purpose of the meeting.  
23 Peasant and middle-class peasants were not allowed to -- were not  
24 the only groups to control the country. Any kind of people who  
25 were loyal to people would be in the position of an organization



1 of the people. Those who did not exploit people were allowed to  
2 control people.

3 Concerning the infiltrated enemies, it was to instil the  
4 conscience of people about "Yuon". So they wanted to search out  
5 of -- search out the infiltrated enemies that were within  
6 peasants and cooperatives. That was the purpose of that  
7 statement.

8 As for the external enemies they were those who attacked from the  
9 outside. What I want to make mention clearly once again is about  
10 the inside enemy. They were those who were within the ranks.

11 [14.35.36]

12 Q. Thank you for that clarification, Mr. Witness. Now, this  
13 "Revolutionary Flag" of August 1977, seems to be almost entirely  
14 dedicated to that West Zone cadre conference. The title of this  
15 "Revolutionary Flag" on the very first page is called, "The  
16 Presentation of the Party Organization Representative Regarding a  
17 Number of Instructions in Building, Strengthening and Extending  
18 Party Leadership on the Occasion of the West Zone Cadre  
19 Conference 25 July '77".

20 I realize it's a difficult question, but do you know whether such  
21 "Revolutionary Flags", conveying the content of that meeting were  
22 accurate as to what was said during those meetings? Can you say  
23 something about that? Is what we read in this "Revolutionary  
24 Flag" something which was indeed said by Ta Si or others?

25 THE PRESIDENT:

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1 Please hold on, Mr. Witness. You have the floor now,

2 Co-Prosecutor.

3 [14.37.13]

4 MR. DE WILDE D'ESTMAEL:

5 I think this question should be rephrased because it suggests

6 that it is Ta Si who gave the speech. That is not what we got

7 from the previous proceedings. So the representative of the party

8 gave two names saying that he was Chou Chet, alias Ta Si who gave

9 that speech. And so I think what Counsel is saying is well beyond

10 what was stated at the time and it is actually contrary to the

11 truth.

12 BY MR. KOPPE:

13 I am happy to include Pol Pot if he was indeed the speaker or Ta

14 Si. We are not quite certain about that, but my question is not

15 so much about who actually gave the speech.

16 Q. The question to you is whether you know that the

17 "Revolutionary Flag" indeed incorporates the exact words of

18 whoever gave that speech during the conference?

19 [14.38.38]

20 THE PRESIDENT:

21 Please wait, Mr. Witness. Judge Lavergne, you have the floor

22 first.

23 JUDGE LAVERGNE:

24 Counsel Koppe, perhaps you should first ask the question whether

25 he was aware of the contents of the article in the "Revolutionary

1 Flag" because I understand that that article was several pages  
2 long and it is very voluminous. Do you want to refer the witness  
3 to a particular passage or to the entire article? I find the  
4 question completely imprecise.

5 MR. KOPPE:

6 I don't have the time to read all the -- the complete article to  
7 him, so that's why I focused on one particular excerpt and then  
8 asked a general question whether he knows from his experience as  
9 a high-ranking West Zone cadre whether generally this  
10 "Revolutionary Flag" reflected the content of that conference. I  
11 don't know if he is able to say that. If he is not that's fine,  
12 too. But because of time limits, I cannot deal with the entire  
13 conference, obviously.

14 [14.39.59]

15 JUDGE LAVERGNE:

16 Perhaps you should start with the point you want to refer to  
17 specifically before talking about the entire article.

18 BY MR. KOPPE:

19 I will move on, Mr. President.

20 Q. Mr. Witness, you spoke in your DC-Cam statement about Vorn  
21 Vet. What do you recall about Vorn Vet?

22 MR. MEAS VOEUN:

23 A. I recall the person by the name, Vorn Vet.

24 [14.40.48]

25 Q. And what is it that you remember about him?

1 A. I do not really get your question.

2 Q. Who was Vorn Vet?

3 A. I do not recall his exact position. I parted from him a long  
4 time ago so I cannot recall what position he held during the  
5 time.

6 Q. Do you remember any of Vorn Vet's messengers?

7 A. No, I cannot recall them and I do not know them personally.

8 MR. KOPPE:

9 Mr. President, maybe this is a good moment to break.

10 THE PRESIDENT:

11 Thank you. Now, it is time for a short break. The Chamber will  
12 take a short break from now until 3 o'clock.

13 Court officer, please work with the WESU to assist this witness  
14 in the break time and please invite him back into the witness  
15 stand in the courtroom at 3 p.m.

16 The Court is now in recess.

17 (Court recesses from 1442H to 1501H)

18 THE PRESIDENT:

19 Please be seated. The Court is now back in session.

20 Again, the floor is given to the defence team for Nuon Chea to  
21 put further questions to the witness. You may proceed, Counsel.

22 BY MR. KOPPE:

23 Thank you, Mr. President. I'll finish up quickly although I have  
24 still many questions to ask the witness I will use another 10  
25 minutes and then I will stop.

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1 Q. Just very quickly following up in relation to Vorn Vet, I was  
2 asking you the question because in your DC-Cam statement you said  
3 that on English, page 00849489; and Khmer, 00733315; you said  
4 that Vorn Vet--

5 [15.02.47]

6 THE PRESIDENT:

7 Counsel Koppe, please mention the document number and ERN again  
8 and be slower this time.

9 BY MR. KOPPE:

10 Certainly, Mr. President. E3/8752, English ERN, 00849489; Khmer,  
11 00733315.

12 Q. And here you refer to Vorn Vet and you said that at one point  
13 in time one of his messengers was a military police colonel,  
14 presumably a Lon Nol colonel. That's why -- that's why I was  
15 asking the question. Does that ring a bell, somehow jog your  
16 memory, Vorn Vet having a military police colonel as messenger?

17 A. I do not recall that and personally I did not know Vorn Vet's  
18 messenger. I knew Vorn Vet but not his messenger.

19 [15.04.10]

20 Q. No problem, Mr. Witness. Now, let me move to my last subject  
21 and, because of time let me go directly to what you said to  
22 DC-Cam. Again, Mr. President, that is E3/8752 on page -- English  
23 page 18, 00849503 ERN; and Khmer, 00733330.

24 I am reading that to you, Mr. Witness, and I would like to ask a  
25 few follow-up questions. You were asked about Chou Chet, alias Ta

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1 Si, and you said:

2 "At that time, I heard that Ta Si attempted to plot a coup  
3 d'états to topple the lead -- the top leaders with So Phim and  
4 Kang Chap. At that time all zones were in agreement to let them  
5 attempt a plot to topple Pol Pot. Shortly they were joined by  
6 Cheng from the Ministry of State Economy. Internally, they had a  
7 good relationship until they reached an agreement to attempt to  
8 plot to topple Pol Pot, in a way to grab the power. It was not  
9 easy to describe. And So Phim was said, in fact, to have a  
10 connection with the Vietnamese who sent their women to him and  
11 there was a barrack in the Eastern Zone where Vietnamese plan  
12 loading women to work with So Phim could land. So it was the way  
13 of their connection." End of quote.

14 Mr. Witness, do you recall having said this to DC-Cam?"

15 [15.06.16]

16 A. That's what I heard from my division and my statement reflects  
17 what I recalled from what the division told us.

18 Q. Do you remember hearing how this coup d'é·tat to topple the  
19 top leaders was to be effectuated -- or how it was to be  
20 implemented? Do you know any details as to what you heard about  
21 this attempted plot for a coup d'é·tat?

22 A. I did not know how they planned to make that plan realized. My  
23 division told me that Chou Chet attempted to make that coup,  
24 together with that person who was in charge of the state  
25 economics, together with So Phim and others from the north. I was

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1 briefly told about that plan, however, I did not know the details  
2 of the plan.

3 Q. And could you explain a bit on that part when you talked about  
4 So Phim because I'm not sure if I understand. You said there was  
5 a barrack in the Eastern Zone where Vietnamese plan loading women  
6 to work with So Phim -- So Phim could land.

7 I'm not sure if I understand that. What -- what did you mean when  
8 you said that?

9 [15.08.20]

10 A. Allow me to explain to you regarding what I heard about So  
11 Phim who had a plan. I was told by a medic while we were fleeing  
12 the Vietnamese -- the "Yuan" rather. The medic told me that So  
13 Phim had a barrack at the border, along the Vietnamese and  
14 Kampuchean border, and the barrack was built by the "Youn" and  
15 that "Yuan" would load women by helicopters to that barrack.  
16 I was not told the exact location of the barrack, however, it was  
17 situated along the Kampuchea-Vietnamese border and it could be  
18 100 metres inside the territory of Vietnam.  
19 This information was told to me by that medic but I, myself, did  
20 not witness any of this.

21 [15.09.34]

22 Q. But did that medic explain to you what the purpose was of  
23 these women, Vietnamese women, I presume?

24 A. He didn't give any detailed explanations about the Vietnamese  
25 women. He only said that Vietnamese women were loaded on

1 helicopters and that they would be sent to So Phim.

2 Q. And these women were military forces?

3 A. I didn't ask for that detail, whether they were civilians or  
4 in the military.

5 Q. Thank you, Mr. Witness. One follow-up question in relation to  
6 plans for a coup d'état to topple Pol Pot and the top leaders, I  
7 would like to read to you a small excerpt from also a Division  
8 164 member. Mr. President, that is, document E319/23.3.17.1. It's  
9 a document that you just admitted, English ERN, 01170833; French,  
10 00996698 and 99; and Khmer, 00955619. Mr. Witness, this Division  
11 164 cadre says the following:

12 "There was not only one coup. From what I learned, there were  
13 four or five coups taking place in Phnom Penh. They wanted to  
14 overthrow Pol Pot. That was why people were killed and it was  
15 very complicated. People no longer trusted each other." End of  
16 quote.

17 Mr. Witness, this Division 164 cadre doesn't speak about one coup  
18 d'état but rather four or five attempted coup d'états taking  
19 place in Phnom Penh. Is that something you heard as well?

20 [15.12.25]

21 A. I did not know much about that as I was stationed far from  
22 them.

23 Q. My last question for the moment. Mr. Witness, is there  
24 anything else that you heard about forces rebelling against the  
25 centre? Anything else that you heard about coup d'états, or



1 anything else that you would like to share with the Trial  
2 Chamber?

3 A. I did not hear anything else.

4 MR. KOPPE:

5 Thank you, Mr. Witness. Thank you, Mr. President.

6 [15.13.28]

7 MR. PRESIDENT:

8 Thank you, Counsel. And the floor is now given to the  
9 Co-Prosecutors to put questions to this witness. You may proceed.

10 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

11 Thank you. Good afternoon, Mr. President. Good afternoon, Your  
12 Honours. Witness, my name is Vincent de Wilde and I'm going to  
13 put questions to you today and tomorrow on behalf of the Office  
14 of the Co-Prosecutors. And do not hesitate to tell me if you did  
15 not understand any of my questions then I will be able to repeat  
16 it. I know also that you were interviewed for more than three  
17 days in October 2012, if I'm not mistaken, regarding a certain  
18 number of topics, so I'm not going to go back to these topics. So  
19 I'm only going to focus on certain topics today and tomorrow.  
20 I'm going to start with a follow-up question relating to the  
21 issue of these possible coup d'état attempts, questions that were  
22 put to you by the Defence Counsel.

23 Q. You said that you had heard your men speak about these coup  
24 d'état attempts. So were these rumours or were there any stronger  
25 -- were there any foundations to what you had heard?

1 [15.15.01]

2 MR. MEAS VOEUN:

3 A. I heard from my friends who told me that the coup d'état  
4 planned was actually true. I was told that one day, though I  
5 cannot recall the date, there was a floating container with  
6 Russian letters on it and it was floating in Phnom Penh and  
7 nobody could read the Russian letters. And they actually pick it  
8 up. They pick it up in front -- at the river in front of the  
9 royal palace and they were given to the Chinese to read it.  
10 So then there was actually a plan for the coup d'état and I  
11 learned of that plan from my friends. The plan was to attempt to  
12 topple Pol Pot, but I cannot tell you how many coup d'états were  
13 planned, whether there were once or there were two or three  
14 attempts to conduct the coup d'état.

15 [15.16.33]

16 Q. So you heard some of your friends speak about this but you did  
17 not know the sources that they had; you did not know where your  
18 friends had received that kind of information? What were they  
19 basing themselves on that you didn't know in order to provide you  
20 with this kind of information?

21 A. Yes.

22 Q. When you say "yes", that means that you agree that you did not  
23 know where that information came from?

24 A. That's what I was told. So the source that told me about that  
25 was clear to me, but as I said I did not know how many coup

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1 attempts were made. I was only told about one coup attempt.

2 Q. And earlier you said that you heard a medic speak about that  
3 when you were fleeing from the "Yuon". So was it therefore after  
4 the arrival of Vietnamese in January 1979 that you heard about  
5 this?

6 A. Yes, that when the "Yuon" actually attacked us.

7 [15.18.17]

8 Q. Well, I will have only one single question on 17 April 1975,  
9 on that day. On that day, so you came into Phnom Penh with your  
10 troops, so did you hear the message that was broadcast on the  
11 radio at the end of the morning aiming at grouping the former  
12 ministers and high officials of the Lon Nol regime before the  
13 Ministry of Information? Did you hear any kind of appeal to have  
14 these people gather before the Ministry of Information?

15 A. No, I did not know about that. And at that time I did not have  
16 any radio to listen to.

17 Q. You -- that day, did you, yourself, go to the Ministry of  
18 Information?

19 A. No, I did not.

20 Q. Well, you received orders to leave Phnom Penh very quickly  
21 after the capture of Phnom Penh therefore did you stay there for  
22 one day, two days or one week before leaving Phnom Penh? Can you  
23 give us a clear answer because you -- what you sometimes said is  
24 not consistent.

25 [15.20.15]

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1 A. Let me clarify your question. Are you asking me about the time  
2 when Phnom Penh fell and that how many days I remained in Phnom  
3 Penh after it fell. Is that correct?

4 Q. I didn't receive the translation of your answer. So can you  
5 tell me how many days you stayed in Phnom Penh? Did you leave on  
6 the day that Phnom Penh fell or did you leave several days later?

7 A. I have already stated that I remained in Phnom Penh for about  
8 a week before I was transferred to Kampot.

9 Q. After having been transferred to Kampot but I had noted,  
10 however, that you had gone to Kamboul or to Baek Chan. So am I  
11 right? Did -- so before arriving in Kampot did you go to Kamboul  
12 first?

13 A. I left Kamboul along National Road Number 3 when I was making  
14 my trip to Kampot.

15 Q. Well, fine. In the days and weeks that followed your departure  
16 from Phnom Penh, did you go back to Phnom Penh to attend one or  
17 several big meetings or study sessions with leaders of Democratic  
18 Kampuchea?

19 A. No, I did not. I made a direct trip from Phnom Penh to Kampot  
20 and I did not meet with them.

21 [15.22.44]

22 Q. Well, I'm going to read out two excerpts of your previous  
23 statements.

24 The first, E3/73 at Answer 13, and I quote what you said.

25 "After having liberated Phnom Penh, my army left the city

1 immediately afterwards. However, I would see the population leave  
2 the city on foot so I allowed them to pass. I was outside -- I  
3 remained outside the city of Phnom Penh for only one week  
4 approximately." End of quote.

5 And before DC-Cam, E3/8752 on page 14 in English and page 15 in  
6 Khmer, you said the following, and I will quote in English.

7 "After they took control of Phnom Penh, they started organizing  
8 the army, navy and air force, and that's when we met. Having  
9 assigned to different targets we never returned and see each  
10 other again."

11 Question: "Did you participate in the event held in the stadium?"

12 Your answer: "Yes, I did." End of quote.

13 [15.24.13]

14 So the translation doesn't seem very reliable, however. However,  
15 it appears here that you did participate in an event at the  
16 stadium. So can you tell us when you attended such an event? How  
17 much time approximately after the evacuation of Phnom Penh?

18 A. I have responded to that question already when you asked me  
19 how many days did I remain in Phnom Penh, and I said I remained  
20 in Phnom Penh for a week then I went to Kampot. And later on, I  
21 left Kampot for Koh Kong. That's how my journey was.

22 And this was not -- this had anything to do with my trip to  
23 Kampot and this is not the time that I was sent to attend to the  
24 meeting. I left Phnom Penh for Kampot, then Kampot to Koh Kong  
25 and later on I returned from Koh Kong for the meeting.

1 So it seems that your response is not consistent with my route.

2 Q. I'm trying to be consistent with regard to the dates that you  
3 provided to the Chamber and to different people who interviewed  
4 you. Well, now, regarding this meeting. What was this meeting  
5 about exactly and where was it held?

6 [15.26.18]

7 A. I do not understand your question. Your question seems to go  
8 in circle, so I don't understand it. I already made my statement  
9 clear to you about how many days I remained in Phnom Penh.

10 In fact, when I was in Kampot I did not return for the meeting.  
11 Only after I went from Kampot to Koh Kong and then from Koh Kong  
12 I attended the meeting.

13 MR. PRESIDENT:

14 Deputy Co-Prosecutor, you should put the questions to the witness  
15 regarding the date. Maybe you can ask, when did he return to  
16 attend a meeting in Phnom Penh and where -- when -- where he was  
17 when he was called to attend that meeting, so that you would not  
18 waste time on this witness.

19 [15.27.28]

20 BY MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President. However, I know it's late but I would  
22 like the witness to make an effort to answer my questions  
23 precisely.

24 Q. In any case, in the excerpt that I read out to you, you said  
25 that you attended a meeting or an event at the stadium. Earlier,

1 you said that you were already in Koh Kong when you returned to  
2 Phnom Penh to attend this meeting.

3 So I would like to know, when was this meeting held? Who attended  
4 this meeting? And where was this meeting held?

5 MR. MEAS VOEUN:

6 A. Allow me to respond to your question based on my recollection.

7 You asked me whether I ever came to attend the meeting before I  
8 went to Kampot, and for that I already responded.

9 I attended a meeting in Phnom Penh though I cannot recall the  
10 date, and the meeting was for the organization of the navy, the  
11 army and the air force. So that was the main content of that  
12 meeting. They focus on the people who had to deal with the  
13 organization of the army, the navy and the air force. And I saw  
14 Pol Pot. I saw Nuon Chea. These were the two individuals whom I  
15 saw at that meeting.

16 So the meeting, as I reiterated, was for the organization of the  
17 army, the navy and air force and, actually, Pol Pot made a speech  
18 to congratulate the military. And the organization of the  
19 military was raised during that meeting, and after that we  
20 actually left to our respective units. And that is all.

21 [15.30.16]

22 Q. Was it at that meeting that the divisions that previously  
23 belonged to zones became district divisions; do you recall that?

24 A. No, that was not the case. As for the organizations of the  
25 army, the navy and the air force, they actually re-assigned

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1 divisions from all over the country. For example, how many  
2 divisions were to be categorized as the air force etc. And that  
3 is difference of the top leadership. That's how they restructured  
4 the military. I knew only about this restructuring of the  
5 military and they were the responsibility of the top leaders.

6 [15.31.26]

7 Q. As regards your work at Koh Kong, you said a while ago that  
8 you worked for three years as Deputy Commander of the Division 1  
9 of the East Zone and you give a number of dates as to when you  
10 arrived there. And I'll quote to you what you said to DC-Cam;  
11 E3/8572, page 10 in English and page --

12 MR. PRESIDENT:

13 He was the Deputy of Division 1 and that Division 1 was within  
14 the West Zone, not the East Zone.

15 BY MR. DE WILDE D'ESTMAEL:

16 Mr. President, that was indeed what I stated in French. I indeed  
17 talked of Division 1 of the East Zone, and this DC-Cam document,  
18 E3/8572, page 10, in both English and Khmer this is what is  
19 stated, and I'm quoting in English.

20 "I was sent to Kampot. Having stayed in Kampot for three months,  
21 I was transferred to Veah Renh. Having stayed in Veal Renh for  
22 two months, they transferred me again to Koh Kong. I was  
23 transferred to Koh Kong in late '75 or early '76, and stayed  
24 there until the Vietnamese launched attacks." End of quote.

25 [15.33.29]



1 Q. A while ago, somewhere else, you stated that you said -- left  
2 for Preah Vihear. Is it therefore correct to say that, and can  
3 you confirm what you told DC-Cam that you arrived in Koh Kong in  
4 late 1975, early 1976, and you subsequently left Koh Kong for  
5 Preah Vihear in 1978?

6 MR. MEAS VOEUN:

7 A. Let me answer this. I went to Koh Kong, and then in August  
8 late 1978, I was transferred to Preah Vihear. I spent four months  
9 in Preah Vihear, based on my recollection. It was four months  
10 that I spent at Preah Vihear, and then the Vietnamese attacked  
11 Cambodia and they occupied Phnom Penh. So I spent only four  
12 months in Preah Vihear Province. So as I told you, I came to  
13 Preah Vihear in August 1978 and, later on, the Vietnamese  
14 attacked Cambodia.

15 [15.35.09]

16 Q. Very well. Which means that you spent three years in Koh Kong.  
17 When you arrived in Koh Kong, how many soldiers were part of  
18 Division 1?

19 A. In Division 1, there were two -- they based at two location;  
20 one at Longveaek and one Veal Renh and the third one at Koh Kong.  
21 So the soldiers in the divisions were based at three locations,  
22 and some of them were also withdrawn to join the air force.  
23 So, at Koh Kong, initially I had 2,007 soldiers but, later on, I  
24 have only 1,007 soldiers and some of them were ill. So initially  
25 when I went to Koh Kong, I had 2,007 soldiers but, later on, I

1 had only 1,007 soldiers.

2 Q. Were there civilians present there or the civilians who were  
3 present at that location were sent to the rear?

4 A. When I arrived at Koh Kong, the civilians had already been  
5 evacuated to Kampong Seila from Trapeang Rung and Andoung Tuek.  
6 At those places, there were no civilians. There were only my  
7 soldiers because that area was forested areas. There were a few  
8 cows in the area, but they nearly -- they almost became wild  
9 animals. And there were only male soldiers among us, no female  
10 soldiers, and we cultivate rice to supply our unit.

11 [15.38.07]

12 Q. I have a question -- a few questions on Division 3 and the  
13 marrying of Division 164.

14 You have stated that it was headed by Meas Muth. Did you meet  
15 someone called Dim in Koh Kong when you were there?

16 A. Regarding Division 64 (sic), I heard that Division 64 (sic)  
17 initially was Division 3, so the division cooperated with mine in  
18 carrying out water and land activities. And I knew Dim because  
19 Dim was in contact with me and stay with me. But he did not stay  
20 with me permanently because he had other affairs to do. Sometime  
21 he spent only one night at my place and then he left. So I would  
22 like to tell you that I was familiar with Dim.

23 [15.39.43]

24 Q. You haven't quite answered my question.

25 Did you meet a person called "Dim", D-I-M or D-O-E-M. That person

1 is from the East Zone, that is, from Division 164. As a matter of  
2 fact, you said in E319/23.3.30 in answer Number 3 -- this is what  
3 you stated.

4 "I do remember Nim -- Dim. He had captained a ship to Koh Kong  
5 where he met me, and his wife was from the East Zone."

6 Do you remember Dim's position and do you remember what you  
7 talked about when you met with him?

8 A. As I told you earlier about Dim, that Dim came to meet me. Why  
9 you said that I did not give the answer? I told you that he came  
10 and spent a night at my place. He came to cooperate with my unit  
11 in order to protect the water and the land and, later on, he  
12 disappeared, but I do not know whether he's alive or died. After  
13 he came to meet me and then he disappeared. That's what I told  
14 you.

15 [15.41.33]

16 MR. PRESIDENT:

17 The Witness gave the correct answer to your question. Is the  
18 problem with your question? And how come you actually make an  
19 excerpt from the transcript to put to him? What you have provided  
20 to the witness was beyond what the knowledge of the witness. The  
21 witness already confirms that he knew the person and you should  
22 have asked further questions before you put such a quote to him.

23 BY MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President. We did not hear the answer in its  
25 entirety in French.

1 Even though the witness said what he knew, I didn't hear  
2 everything he talked about Dim, but what I understood was that he  
3 was talking of cadres in general.

4 Q. I will talk about another person from Division 64. Do you know  
5 a person by the name Saroeun, and was that person a member of  
6 your family?

7 [15.43.07]

8 MR. MEAS VOEUN:

9 A. Yes, I knew the person. He was in Division 64 and he was my  
10 cousin.

11 Q. Do you know the position he held in Division 64 in the navy?

12 A. He was a Commander of Division 64.

13 Q. During your three-year stay at Koh Kong, did you have the  
14 opportunity to establish contacts with Ta Saroeun and to talk to  
15 him about the situation as regards the Vietnamese enemy?

16 A. No, I did not meet with Saroeun. He had his own business and  
17 he only sent his subordinate to meet with me.

18 Q. You talked of cooperation and the exchange of information with  
19 Divisions 1 and 64 in Koh Kong. Who represented Division 154  
20 (sic) -- 164 permanently station in Koh Kong in 1977, 1978?

21 A. It is my knowledge that it was Saroeun and Muth. I knew  
22 Saroeun was the commander. So it could be Ta Muth who was in  
23 charge of that location.

24 [15.45.30]

25 MR. PRESIDENT:

1     Witness, that is not the proper response to the question. The  
2     question is, who was the representative of Division 164 stationed  
3     in Koh Kong in around 1977 and 1978?

4     MR. MEAS VOEUN:

5     I did not know if it was between 1977 or '78, I only knew about  
6     the event in around 1975, and I did not know who was actually a  
7     representative or in charge of that division in that area.

8     BY MR. DE WILDE D'ESTMAEL:

9     Q. In answer Number 33 of the record of interview, E319/13.31,  
10    you mentioned the name of "Sim", company commander, and you added  
11    in the same answer that the company had six vessels at its  
12    disposal. Did you collaborate with Sim, company commander, during  
13    that period?

14    [15.46.00]

15    MR. MEAS VOEUN:

16    A. Sim was with me and I knew him well. He was a company  
17    commander and he was not overall in charge. His level was only a  
18    company commander and he did not supervise six vessels. He  
19    supervised only three vessels.

20    And then there were those old American boats. There were two of  
21    them, though I cannot recall the exact names of those two boats.  
22    So, in total, there were five boats.

23    Q. Was Sim and the other cadres of Division 164 in possession of  
24    rapid boats that allowed for the seizure or interception of  
25    foreign boats whether they were big or small? And I refer to

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1 boats in Division 164 that could easily arrest fishing boats and  
2 -- fishing boats of Vietnamese?

3 A. Yes, there were boats. They were small and they were fast, so  
4 they could be used to capture those boats.

5 Q. Were these fast American boats, PCFs, as you stated in Answer  
6 33? Were they PCF boats?

7 A. Yes, they were the PCF. However, they were not as fast as  
8 those vessels from China. So there were two PCFs and there were  
9 three Chinese vessels.

10 [15.49.20]

11 Q. And what was the horsepower of the biggest navy boat stationed  
12 in Koh Kong; do you know the horsepower of that particular boat?

13 A. Actually, big vessels did not come at the port there, they  
14 usually went to Koh Kong. In that area, there were these American  
15 PCFs and the Chinese vessels. I did not know the horsepower of  
16 those vessels. There were also two 250 horsepower vessels and  
17 there were also two other 150 horsepower vessels.

18 [15.50.15]

19 Q. How about the canoes of Vietnamese refugees whom you said were  
20 in your zone. Did they have powerful engines or small engines?

21 A. They were small boats and they were in the 30 horsepower or 40  
22 horsepower boats.

23 Q. Those were boats of Division 164. Did Division 2 have boats as  
24 well that allowed for the capture of those powerful Vietnamese  
25 boats that had 30 to 40 horsepower?

1 A. Yes, there were. We had these 150 horsepower boats. They were  
2 actually called boats and not a ship or vessels.

3 Q. I would like you to clarify something regarding the chain of  
4 command above you. Within Division 1, did you effectively receive  
5 orders and did you report only to Ta Soeung or you also reported  
6 back to the chief of the East Zone?

7 A. When there was a situation I would report to Soeung, and if he  
8 was not there with his instruction I would make a report to the  
9 zone. Usually, the report was made to Soeung.

10 Q. Was your office designated by a code name? And, if yes, what  
11 was that code name?

12 A. I did not have an office. I did not have any proper office.  
13 Usually we stayed together with the soldiers.

14 [15.52.58]

15 Q. But if I understood you correctly, you communicated with Ta  
16 Soeung or with the East Zone via telegrams. In that case, did you  
17 have an office from which telegrams could be sent and received?

18 A. Old houses were used for that purpose. We also stayed  
19 provisionally in those old houses.

20 Q. Did you sometimes receive direct orders from Ta Khieu, that  
21 is, Son Sen?

22 A. No, I did not.

23 Q. I would like you to clarify this point because you said to  
24 DC-Cam in document E3/8752, page 27 in English and 30 in Khmer,  
25 and I'm quoting in English.

1 [15.54.15]

2 "Ta Khieu never came to meet me. We just communicated by  
3 telegraphs and big radio. Sometimes I got orders from him,  
4 sometimes from the division whose commander was Bang Soeung also  
5 at the zone. Once a month or a week, he came to see me." End of  
6 quote.

7 In this passage, it appears that you did state that Son Sen  
8 communicated with you by telegraphs and by big radio and that you  
9 received orders from him. Did you receive those orders directly  
10 or through the intermediary of Ta Soeung?

11 A. I receive it through Ta Soeung. For example, Son Sen gave the  
12 orders to Ta Soeung and Ta Soeung sent me those orders. So for  
13 the orders I received via telegrams --, telegraphs, then I would  
14 see both names, that is his name and Ta Soeung's name on it.

15 Q. I would like to follow-up on what you said a while ago. In  
16 referring to Vietnamese refugees you --- and Vietnamese boats,  
17 you referred to the term "Yuong". During that period, from what  
18 you know, did the term "Yuong" invariably designate soldiers and  
19 civilians? Was every Vietnamese referred to as a "Yuong"?

20 A. Usually every Cambodian referred to them as "Yuong". Everybody  
21 knew about it. Usually we did not refer to them as Vietnamese and  
22 we refer to them as "Yuong".

23 Q. I don't have much time left today. I'll just open up one or  
24 two subjects. First of all, regarding Vietnamese within the  
25 country not those who came in as refugees but those who were



1 living in Cambodia. Did you hear that there was a plan to  
2 eliminate the Vietnamese who were living in Cambodia between 1975  
3 and 1979?

4 [15.57.30]

5 A. Yes, I heard about that. I heard about the Vietnamese living  
6 in Kampuchea. Vietnamese who lived in Cambodia did intend to  
7 cause troubles to the Kampuchean people and did not do an honest  
8 living. Initially, from -- starting from 1970, they were  
9 peacefully sent to -- sent back to their country by the  
10 government, and that continued until 1975.

11 So then for us, later on we were instructed that Vietnamese had  
12 to be smashed because they did not return to their country. There  
13 were then clashes along the border due to this issue. That's what  
14 I heard

15 [15.58.47]

16 Q. Were there many Vietnamese who hadn't returned to Vietnam and  
17 who had to be smashed, for instance in the East Zone? Did you  
18 hear of the presence of any Vietnamese who chose to stay in the  
19 country?

20 A. Yes, there were. When they were allowed to return to their  
21 country not every one of them returned. Some of them remained  
22 living in Kampuchea or married with Kampuchean people.  
23 The majority of them who decided to remain living in Cambodia  
24 were living in Kampong Chhnang, that is along the riverbanks. And  
25 then that's why there were later on clashes between the

1 Vietnamese and the Kampuchean people. And it also happened in the  
2 West Zone.

3 And Vietnamese actually continued living in Cambodia even when  
4 the Vietnamese attacked Cambodia in 1979.

5 And the truth is they did not return to their country. They were  
6 still living in Cambodia when the Vietnamese troops attacked us.

7 [16.00.12]

8 Q. You spoke about mixed marriages, that is to say, certain  
9 Vietnamese people who had not gone back to Vietnam because they  
10 had married Cambodians, well, I would like to speak about two  
11 situations now.

12 If the wife was Vietnamese and the husband Cambodian, what would  
13 happen then with the children of this couple? Was it necessary to  
14 also smash the children because they were considered enemies?

15 A. I did not know well about every detail regarding this matter  
16 during the three years period. However, I can speak from my  
17 experience. My aunt married a Vietnamese husband since the  
18 Issarak wartime and, as a result they two mix children, and they  
19 actually lived not far from my house. They had two children and  
20 when the Vietnamese entered Kampuchea in 1970, my two nephews  
21 were sent to Vietnam to live in Tay Ninh and they're still living  
22 now.

23 [16.01.44]

24 At the time, my aunt's husband who was Vietnamese was arrested.  
25 So, after her husband was arrested, she fled -- she attempted to

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1 flee actually, and she was arrested. Then only their children  
2 survived in Vietnam. This is from my personal experience.  
3 I did not know the details of the policies by the Kampuchean  
4 government on the issue of dealing with the "Yvon" people.  
5 Kampuchean people at the time were angry with the "Yvon" and,  
6 later on, we were attacked by the "Yvon" troops. So the revenge  
7 -- the spirit of revenge still lives on. If they were to live in  
8 Kampuchea in harmony then nothing would happen, but they did not.  
9 So we hate the "Yvon" people. And even in Cambodia now, there are  
10 still "Yvons" living.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Last question, Mr. President, if you please allow me to. Some  
13 of these Vietnamese people living in Cambodia had been living  
14 there for generations and they spoke Khmer. Do you know how the  
15 Cambodian -- or the Kampuchean government of the DK regime would  
16 go about it to differentiate and identify the people of  
17 Vietnamese origin from Khmer people?

18 [16.03.41]

19 MR. MEAS VOEUN:

20 A. I cannot attest to that. However, I can say from what I  
21 observed. Even though the wife of the late King Sihanouk, she's a  
22 "Yvon". However, she's still living. So, for that reason, some  
23 "Yvons" are still living in Cambodia and if they are living in  
24 peace or they are living peacefully, then we have no problem with  
25 it.

1 But I believe under the Democratic Kampuchea regime, they were  
2 not allowed to live in Kampuchea because we learned through our  
3 education about the contradiction or conflict between the "Yuon"  
4 and Laos and Kampuchean people--

5 [16.04.41]

6 MR. PRESIDENT:

7 Witness, please respond directly to the question. The question is  
8 that from your observation, did you ever notice that they were  
9 with "Yuon" because they had lived here in Cambodia for a long  
10 time and that they spoke Khmer fluently?

11 And what did they do to differentiate between the ethnic "Yuons"  
12 and the -- those who actually lived in Cambodia and spoke Khmer  
13 fluently? That is those who had lived for a long time in  
14 Kampuchea. What kind of differentiation that they made?

15 So please respond directly to the question rather than to provide  
16 irrelevant response. You should only make necessary response to  
17 the question that was being put to you.

18 MR. MEAS VOEUN:

19 I did not witness how the policies were towards them, however, I  
20 only knew that they were not allowed to live in Kampuchea.

21 [16.06.12]

22 MR. PRESIDENT:

23 Witness, this is about your personal experience or observation.  
24 How did you differentiate the ethnic Yuon who had lived here in  
25 Cambodia for a long time, or whether you distinguish through the

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1 way they spoke the Khmer language with accent, as in the case of  
2 some Cham people who spoke Khmer with accent?

3 If that is the way that you differentiate the ethnic "Yuong", did  
4 other people also differentiate the ethnic "Yuons" through this  
5 way?

6 MR. MEAS VOEUN:

7 Yes, I made the differentiation as you just said, Mr. President.  
8 The first thing that I differentiate is that they spoke with  
9 accent, they spoke Khmer with accent and, secondly, through their  
10 neighbours. They knew them, that how long they had lived in the  
11 area. Because for them although they could speak the Khmer  
12 language fluently, the local villagers would know that they were  
13 "Yuong".

14 [16.07.30]

15 MR. PRESIDENT:

16 Thank you. The Hearing today is now adjourned and we will resume  
17 tomorrow, that is Wednesday, 3 February 2016, commencing from 9  
18 o'clock in the morning.

19 Tomorrow the Chamber continues to hear the testimony of Witness,  
20 Meas Voeun, in the morning and continue hearing testimony of In  
21 Yoeung in the afternoon.

22 Mr. Meas Voeun, the Chamber is thankful of your testimony,  
23 however, it is not yet concluded. You are invited therefore to  
24 return tomorrow morning.

25 And, Ms. Socheata the Chamber would also like to invite you to

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1 return tomorrow morning to assist your client.

2 Court Officer, in collaboration with WESU, please make

3 arrangement for Meas Voeun to return to his accommodation and

4 allow him to return tomorrow morning.

5 Security personnel, you are instructed to take the two accused,

6 Nuon Chea and Khieu Samphon, to the detention facility of the

7 ECCC and have them returned to attend the proceedings tomorrow

8 before 9 o'clock.

9 The Court is now adjourned.

10 (Court adjourns at 1609H)

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